

FOIA Activity for the Week of December 31, 2010 – January 6, 2011

Privacy Office

January 10, 2011

Weekly FOIA Report

- I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- NSTR
- II. **FOIA Requests**
- On January 3, 2011, **Robert O'Harrow**, a reporter with the *Washington Post* in Washington, D.C., requested from the Department of Homeland Security (DHS) Domestic Nuclear Detection Office (DNDO) the following records: 1) The names of all employees of DNDO, their dates of employment, their salaries and the annual bonuses they received, by year, for each year, from the creation of the office to the present; and 2) Performance bonuses or fees paid to all DNDO contractors during the same time period. (Case Number DHS/OS/PRIV 11-0323).
 - On January 3, 2011, **Michael H. Page**, a staff attorney with **Public Citizen Litigation Group** in Washington, D.C., requested from the Department of Homeland Security (DHS) all records dated on or after January 1, 2006, that discuss, refer to, or relate to private entities' (including but not limited to PayPal, MasterCard, Visa, and Amazon.com) business relationships with WikiLeaks, including efforts to deter or discourage such entities from doing business with WikiLeaks. (Case Number DHS/OS/PRIV 11-0311).
 - On January 3, 2011, **Michael H. Page**, a staff attorney with **Public Citizen Litigation Group** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) All records dated on or after January 20, 2009, containing communications between the agency or an agency employee and Bob Woodward, journalist for the Washington Post; and 2) All records dated on or after January 20, 2009, containing calendar entries or other notes of scheduled or past meetings between agency employees and Bob Woodward. (Case Number DHS/OS/PRIV 11-0318).
 - On January 3, 2011, **Michael Ravnitzky**, an individual requester from Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) the following records: 1) Copy of the contents of the administrative file of the four oldest FOIA requests at (DHS) Office of the General Counsel (OGC) and 2) Copy of the contents of the administrative file for the 10 oldest pending FOIA Administrative appeals at OGC. (Case Number DHS/OS/PRIV 11-0315).
 - On January 3, 2011, **Michael Ravnitzky**, a self-proclaimed journalist from Silver Spring, Maryland, requested from the Department of Homeland Security (DHS) a copy of the contents of the administrative file

of the four oldest FOIA requests at the Privacy Office. (Case Number DHS/OS/PRIV 11-0319).

- On January 3, 2011, United States Citizenship and Immigration Services (USCIS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Walter F. Roche**, a reporter with the *Pittsburgh Tribune-Review*, in Pittsburgh, Pennsylvania, seeking records related to the authorization for the transport and admission of children from orphanages in Haiti to the United States following the January 12, 2010 earthquake. (Case Number DHS/OS/PRIV 11-0326).
- On January 3, 2011, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from U.S. Customs and Border Protection (CBP) records residing in the computer of Maria Luisa O'Connell (Assistant Commissioner for Public Affairs, CBP), as well as those working for her, for the date range January 2009 to the present entitled "talking points." (Case Number CBP FOIA #2011F01993).
- On January 3, 2011, the U.S. Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from **David Sobel**, Senior Counsel with the **Electronic Frontier Foundation** in San Francisco, California, seeking copies of all DOJ records created since January 20, 2009, relating to the United States-European Union High Level Contact (HLCG) on data privacy and law enforcement cooperation. (Case Number DHS/OS/PRIV 11-0327).
- On January 3, 2011, **R.M. Tipton**, a Special Assistant Attorney General with the **Mississippi Office of Attorney General** in Jackson Mississippi, requested from the Department of Homeland Security (DHS) records relating to the performance audit and review of the DHS-FEMA Public Assistance Grant Program (CDPA Program Number 97.036) in Mississippi. (Case Number DHS/OS/PRIV 11-0310).
- On January 4, 2011, **David A. Baay**, a representative of **Sutherland Asbill & Brennan L.L.P.** in Houston, Texas, requested from the United States Coast Guard (USCG) records related to the (b) (6) inspection of the Deepwater Horizon blowout preventer ("BOP") at NASA's Michoud Assembly Facility in New Orleans, Louisiana. The document requested is a letter from the Climate Science Branch (CSB) requesting the removal of (b) (6) from the BOP inspection site, received by the DNV on or around December 13, 2010. (Case Number 2011FOIA1034).
- On January 5, 2011, **N. MacKenzie**, an individual, requested from the United States Coast Guard (USCG) all documentation on the applications and the procedures thereof pertaining to chemicals, compounds, products, dispersants, shore cleaners, surfactants, and bioremediation products pertaining to the Gulf of Mexico since July 15, 2010, including but not limited to the Deepwater Horizon incident. (Case Number 2011FOIA1066).
- On January 5, 2011, U.S. Immigration and Customs Enforcement (ICE) referred to U.S. Customs and Border Protection (CBP) a request from

Michael Kiefer, a reporter with the *Arizona Republic* in Phoenix, Arizona, records regarding shipments of the drug sodium thiopental, a controlled substance under U.S. law, imported from the United Kingdom to the Arizona Department of Corrections or its representatives through Phoenix Sky Harbor from September 1, 2010 through the present. (Case Number CBP FOIA #2011F04452).

- On January 5, 2011, **Scott Thomas**, an attorney with the **City of Burlington, Washington**, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Data Notebook ("TSDN") used to determine proposed flood elevations for the Skagit River in Skagit County, Washington. (Case Number 11-190).

Late Request

- On December 30, 2010, **Cal Skinner**, a blogger with the *McHenry County Blog* in Crystal Lake, Illinois, requested from the Department of Homeland Security (DHS) the names of employers located in McHenry County, Illinois, for the last 12 months (or 2010, if such data is available), which were fined by DHS for having employed undocumented aliens. (Case Number DHS/OS/PRIV 11-0321).
- On December 30, 2010, **Cal Skinner**, a blogger with the *McHenry County Blog* in Crystal Lake, Illinois, requested from the Department of Homeland Security (DHS) the names of employers of those detained so far in McHenry County under the Safe Communities [sic] program. (Case Number DHS/OS/PRIV 11-0322).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- NSTR

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of January 7 - 13, 2011

Privacy Office

January 18, 2011

Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On January 7, 2011, United States Citizenship and Immigration Services (USCIS) posted a draft memorandum entitled *Eligibility to Self-Petition as a Battered or Abused Parent of a U.S. Citizen; Adjudicator's Field Manual (AFM) Chapter 21.15, Update AD 06-32*, on its public website for feedback. This policy memorandum provides guidance to USCIS officers regarding the extension of the ability to self-petition to battered parents of U.S. citizens, as well as work authorization for approved Violence against Women Act (VAWA) self-petitioners. The final date for comments is January 24, 2011.
 - On January 11, 2011, United States Citizenship and Immigration Services (USCIS) posted an interim memorandum entitled *Instructions for Handling Regressed Visa Number (Employment-Based and Family-Based) Adjustment of Status Cases Interviewed at USCIS Field Offices; Revision to Adjudicator's Field Manual (AFM) Chapter 20.1(e) (AFM Update AD 11-02)*, on its public website for feedback. This memorandum provides instructions to USCIS offices on handling regressed visa number Adjustment of Status cases (employment-based and family-based) interviewed at USCIS field offices on or after January 1, 2011. The final date for comments is January 26, 2011.
- II. FOIA Requests**
- On January 14, 2011, **Congressman Darrell Issa (CA-R)**, Chairman, Committee on Oversight and Government Reform, U.S. Congress in Washington, D.C., requested from the Department of Homeland Security (DHS) the following records: 1) Electronic communications and memoranda between and among personnel in the Office of the Secretary and the Office of General Counsel relating to FOIA request, review and response guidelines and procedures; 2) Electronic communications and memoranda between and among personnel in the Office of the Secretary and the Office of General Counsel relating to specific FOIA requests that were reviewed by any person outside of the DHS FOIA office; 3) Memoranda to or from Chief Privacy Officer Mary Ellen Callahan and staff in the DHS Privacy Office relating to FOIA request, review and response guidelines and procedures. (Case Number 01-14 DEI to Napolitano –DHS).
 - On January 10, 2011, **Nate Carlisle**, a journalist with the *Salt Lake Tribune* in Salt Lake City, Utah, requested from the Department of Homeland Security (DHS) and the Federal Emergency Management

Agency (FEMA) the following records: 1) Records of all payments or expenditures related to security at Flaming Gorge Reservoir or Flaming Gorge Dam since Sept. 11, 2001; 2) Agendas, schedules or other plans issued in preparation for anti-terrorism or security exercises held at Flaming Gorge Reservoir or Flaming Gorge dam in 2003 and 2009 and the after-action reports or assessments made after both exercises; 3) Records of all real or perceived security threats made or executed against Flaming Gorge Dam or Flaming Gorge Reservoir since Sept. 11, 2001; and 4) Records describing the likely or potential outcome of any man-made attacks or terrorism attacks against Flaming Gorge Dam or Flaming Gorge Reservoir. (Case Number DHS/OS/PRIV 11-0336 and 11-194).

- On January 12, 2010, (b) (6) a blogger in Wilburn, Arkansas, requested from the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) the following records: 1) Any and all documents related to the (b) (6) allegation of an alleged threat against him by the requester and any and all documents on his 2002 order for Naval Criminal Investigative Service (NCIS) Europe Division investigation of the requester and any and all documents on the findings of from NCIS clearing the requester of USCG allegations; 2) Any and all documents related to the requester PETITION FOR RULEMAKING: NATIONAL OPEN CARRY HANDGUN AND/OR SMALL ARMS AND LIGHT WEAPONS ENDORSEMENT FOR THE MERCHANT MARINER'S DOCUMENT under the MERCHANT MARINERS DOCUMENTS PILOT PROGRAM, Section 611 of the USCG AND MARITIME TRANSPORTATION ACT OF 2004 (HR 2443) Public Law No. 108-293, August 9, 2004; 3) Any and all documents relating to the U.S. DEPARTMENT OF TRANSPORTATION'S (DOT) BAR NOTICES of 2004 and 2006, and any and all correspondence between the USCG and the DOT including but not limited to between (b) (6) Special Agent, U.S. COAST GUARD INVESTIGATIVE SERVICE (CGIS) and the DOT or any other agency of the United States; 4) Any and all documents and correspondence relating to MERCHANT MARINE PERSONNEL ADVISORY COMMITTEE (MERPAC) regarding the requester's recommendation for recognition of Second Amendment rights of U.S. merchant seaman in the form of an endorsement on the Merchant Mariner's Document and/or the Merchant Mariner's Credential; 5) Any and all documents and correspondence relating to Second Amendment rights of U.S. merchant seamen receiving mandatory federal small arms qualification training in accordance with OPNAVINST 3591.1C (May 13, 1992) through OPNAVINST 3591.1F (August 12, 2009) SMALL ARMS TRAINING AND QUALIFICATION in relation to the MERCHANT MARINER'S DOCUMENT, the MERCHANT MARINER'S CREDENTIAL, and the TRANSPORTATION WORKER'S IDENTIFICATION CREDENTIAL (TWIC); 6) Any and

all documents and correspondence related to the requester's proposal for a Commandant Instruction Manual titled, THE MANUAL FOR THE U.S. MERCHANT MARINE AUXILIARY AND THE PRIVATEER (MODELED AFTER THE COAST GUARD AUXILIARY MANUAL); 7) Any and all documents and correspondence related to the requester's proposal to the USCG for THE U.S. MERCHANT MARINE AUXILIARY AND THE PRIVATEER ACT OF 2005 as Part III to Title 14 of the U.S. Code; 8) Any and all USCG and DHS documents and correspondence related to the requester's lawsuits in the federal courts from 2002 to the present; 9) Any and all USCG and DHS documents and correspondence related to the role of U.S. merchant seaman in homeland security when DHS has general superintendence over the U.S. merchant marine and of merchant marine personnel in relation to the Second Amendment rights of U.S. merchant seamen; 10) Any and all USCG and DHS documents and correspondence related TWIC cards excluding or including the Second Amendment rights of U.S. merchant marine personnel; and 11) Any and all USCG documents and correspondences about whether any and all documents and correspondences were or were not acts or instances of retaliation in violation of the USCG Non-Retaliation Policy because the requester questioned or lodged an administrative complaint regarding a USCG policy or action, to the USCG or to anyone else, or because the requester filed a civil complaint against the members of the USCG about a USCG policy or action. (Case Number DHS/OS/PRIV 11-0346).

- On January 13, 2011, **Ginger McCall**, Assistant Director of **Electronic Privacy Information Center (EPIC)** Open Government Project in Washington, D.C., requested from the U.S. Secret Service (USSS) records concerning investigations by the USSS into the identities of donors to Wikileaks or the identities of Internet users who accessed data from Wikileaks. (Case Number USSS 1-13-2011).

Late Request

- On January 7, 2011, **Christine Ng**, a representative of **Environ Corporation** in Arlington, Virginia, requested from the United States Coast Guard (USCG) all reports, summaries, analysis, correspondence, or logs that pertain to the determination by the USCG or others of flame and plume heights associated with the April 20-22, 2010, DWH rig fire, and all of the underlying data and documents on which any such determination is based, as well as electronic copies of photographs and videos taken of the DWH incident and the associated metadata, including, but not limited to, information on the aircraft and/or vessel location from which the image was taken (including camera height), photograph time, camera model and focal length, aircraft or vessel velocity, camera angle, and camera calibration file. (Case Number 2011FOIA1110).
- On December 17, 2010, **Bobby Roseberry**, a representative of the **National Society of Government Employees**, requested from the United

States Coast Guard (USCG) a current list containing the names and work addresses of all Civilian Federal Employees working in District 13. (Case Number 2011FOIA1134).

- On December 19, 2010, **Steven Roberts**, an attorney with **Sutherland Asbill & Brennan L.L.P.** in Houston, Texas, requested from the United States Coast Guard (USCG) all written communications between the Joint Investigation Team and any person concerning the Blowout Preventer (BOP) testing protocols, procedures, results of testing and attendance by any individual during the examination and/or testing process in the matter of the Fire and Explosion on the Deepwater Horizon. (Case Number 2011FOIA1086).
- On December 30, 2010, **Anthony Buancore**, a representative of **AB Marine Consulting, L.L.C.** in Baton Rouge, Louisiana, requested from the United States Coast Guard (USCG) the following records: 1) All information possessed by the USCG on oil spill decontamination issues related with the BP Oil Spill response involving the following USCG buoy tenders: FIR, JUNIPER, ELM, ASPEN and WALNUT; 2) The Unified Command Oil Spill Trajectory overlay maps for the Gulf of Mexico for the following days - June 8, 22, 28 and 30, and July 3, 6 and 11; and 3) All communications, records and documents relative to the decontamination of the Tug MARTIN SPIRIT, the Barge MARTIN ENDEAVOR, the Tug ORION and the Barge POSEIDON. (Case Number 2011FOIA1090).
- On January 3, 2011, **Jeff Hampton**, a reporter with *The Virginian-Pilot* in Norfolk, Virginia requested from the United States Coast Guard (USCG) the final report on the H-60 Helicopter crash that occurred in Utah in March 2010. (Case Number 2011FOIA1092).
- On January 4, 2011, **Bruce Buckerfield**, an individual in Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of Region IV contracts listing Bruce Buckerfield as the Contracting Officer's Technical Representative (COTR) since 1994. (Case Number 11-202).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of a potential (2005) lawsuit against the City of Belhaven, North Carolina, and the North Carolina Department of Crime Control and Public Safety. (Case Number 11-203).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of emails between Rob Lowe and (b) (6) regarding Bruce Buckerfield. (Case Number 11-204).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA Region IV travel vouchers for six Region IV employees. (Case Number 11-205).
- On January 4, 2011, **Bruce Buckerfield**, an individual from Clarkston, Georgia, requested from the Federal Emergency Management Agency

(FEMA) a copy of the job description for FEMA Region IV Administrator's lead administrative assistant. (Case Number 11-206).

- On January 4, 2011, **Natasha Minsker**, the Death Penalty Policy Director with the **American Civil Liberties Union (ACLU)** of Northern California in Burlingame, California, and **Tim Redmond**, a reporter with **The San Francisco Bay Guardian** in San Francisco, California, requested from U.S. Customs and Border Protection (CBP) all documents regarding importations of the drug sodium thiopental, to include all memorandums, letters, communications, policies or directives. (Case Number CBP FOIA 2011F04665).
- On January 4, 2011, **G.W. Schulz**, a reporter with the **Center for Investigative Reporting** in Austin, Texas, requested from the Office of Inspector General (OIG) a list of investigations conducted by the OIG from 2003 to the present. (Case Number OIG FOIA #2011-046).
- On January 7, 2011, **Eileen Sullivan**, a reporter with **The Associated Press** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) all inspection, incidents, and any other reports on mistreated or dead CBP and Border Patrol K-9's. (Case Number CBP FOIA 2011F04813).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 12, 2011, United States Citizenship and Immigration Services (USCIS) released to **Michael Ravnitzky**, a self-proclaimed journalist from Silver Spring, Maryland, 372 pages responsive to his request seeking a copy of each report produced for congress by USCIS for the past 3 years. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On January 10, 2011, U.S. Customs and Border Protection (CBP) released to **Kathy Roberts**, a staff attorney with **The Center for Justice & Accountability** in San Francisco, California, 1 page of material consisting of a report that list trainees from a particular country responsive to her appeal of the response from CBP to her request for eight categories of information related to U.S. Government trainings and joint operations involving the Nepalese military, the Royal Nepalese Army (RNA), Nepalese intelligence, or any other Nepalese security forces or officers during the Nepalese civil war. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On January 11, 2011, the United States Coast Guard (USCG) released to **Claudette Juska**, a research specialist with **Greenpeace** in Washington, D.C., 980 pages of responsive documents to her request seeking the following records: 1) Records of all meetings and correspondence between the USCG, BP and the EPA concerning directives on the use of dispersants; 2) Exemptions granted to BP by the USCG concerning EPA

ordered limitations of surface and subsurface dispersants; 3) The affects of the exemptions to the dispersant application limits; and 4) BPs efforts to be transparent in their use of dispersants. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4), (b)(5), and (b)(6).

V. Lawsuits

- In the matter of Electronic *Frontier Foundation vs. DOD, et al*, (ND Cal. CV-09-5640), in which the plaintiff is seeking injunctive relief in connection with FOIA requests for information concerning the government's use of social-networking websites as investigative, surveillance, and data collection tools, United States Secret Service (USSS) on January 13, 2011, the U.S. Secret Service (USSS) sent a response outlining an updated search and the decision not to release any additional documents to the plaintiff.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of January 14 - 20, 2011

Privacy Office

January 24, 2011

Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On January 13, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Requests to Expedite Adjudication of Form I-601, Application for Waiver of Grounds of Inadmissibility, filed by individuals outside the United States; Adjudicator's Field Manual (AFM) Update AD 11-10* on its public website for review and comment by stakeholders. This memorandum would provide guidelines on how USCIS processes requests to expedite the adjudication of Forms I-601 filed by individuals outside the United States. The final day to submit comments is January 28, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Extension of Validity of Medical Certifications on Form I-693; Adjudicator's Field Manual (AFM) Update AD11-13, Chapter 40.1(c) Validity of Form I-693* on its public website for review and comment by stakeholders. This memorandum would temporarily extend the validity of civil surgeon endorsements on Form I-693 for adjustment of status applicants. The final day to submit comments is January 31, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum *Adjudication of Adjustment of Status Applications from Aliens Present in the Commonwealth of the Northern Mariana Islands (CNMI) on or after November 28, 2009. Addition of Chapter 36.3 to the Adjudicator's Field Manual (AFM); AFM Update AD10-19* on its public website for review and comment by stakeholders. This memorandum would provide guidance and update the AFM regarding adjudication of family and employment-based Adjustment of Status Applications from aliens present in the CNMI. The final day to submit comments is January 31, 2011.
- On January 14, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that the Department of Homeland Security, in conjunction with the Department of State, has identified 53 countries whose nationals are eligible to participate in the H-2A and H-2B programs for the year. These programs allow U.S. employers to bring foreign nationals into the country to fill temporary agricultural and nonagricultural jobs, respectively. The new list does not affect current holders of valid H-2A or H-2B visas.
- On January 18, 2011, United States Citizenship and Immigration Services (USCIS) posted an item on its public website about the recent high marks the E-Verify program has received in customer satisfaction, as a

determined by an independent survey by a consulting firm that specializes in measuring customer satisfaction. The news item also addressed a report by GAO that acknowledged E-Verify's improvement in ensuring employer compliance and creation of additional safeguards to minimize and secure the handling of employee information. Links to both reports, which are also posted on the website, are included in the article.

II. FOIA Requests

- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Department of Homeland Security (DHS) a copy of any written or electronic correspondence between Congressman Darrell Issa (R-CA) of California, or his personal or committee staff and DHS that dealt with any specific individual or corporation. (Case Number 11-0352)

Late Request

- On January 7, 2011, **Bruce Buckerfield**, an individual in Clarkston, Georgia, requested from the Federal Emergency Management Agency (FEMA) copies of emails between FEMA Office of Chief Counsel and the Office of the Inspector General regarding a December 4, 2010 92-page document emailed by the requester entitled "Complaint Regarding FEMA Region IV Management." (Case Number 11-222)
- On January 7, 2011, **Scott Amey**, General Counsel for the **Project on Government Oversight** in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) the following records: 1) Contracts that were authored by, directed or copied to, mention, reference and/or involve any contract award to an Alaskan Native Corporation [ANC]; 2) All contracts and grants awarded by FEMA's OCC; 3) Records that allege, mention, reference, and/or involve any ethical or legal misconduct by a FEMA contract officer or contract officer technical representative, or responds thereto; 4) Records that identify FEMA officials and/or employees who traveled abroad, the purpose or mission of their travel, the function or activity attended, the destination of their travel, and the cost to the government for such travel; 5) request or provide information, guidance, and/or directives concerning the availability of cash awards and/or funds for continuing legal education travel and/or attendance; 6) A list of all FEMA's sole source contracts; and 7) A copy of FEMA's regulations or guidance governing sole source contracts and/or personal service contracts, and/or fees, costs, and payments allowed under such contracts. (Case Number 11-227).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 20, 2011, the Office of Inspector General (OIG) released to **Jennifer Lynch**, a Staff Attorney with **Electronic Frontier Foundation**

(EFF) in San Francisco, California, a 6-page list of complaints received by OIG responsive to her request seeking the following records: 1) All complaints from travelers submitted to DHS concerning new screening procedures at airports including the "enhanced pat down" procedure and body scanners; 2) Any internal agency communications leading to the resolution of such complaints; and 3) Any agency follow-up or formal response to individuals submitting such complaints. Portions of this response were withheld pursuant to FOIA exemption (b)(7)(A). Additionally, personally identifiable information was withheld as non-responsive.

- On January 21, 2011, the Department of Homeland Security (DHS) released to **Adam Rosen**, an attorney with the **Murthy Law Firm** in Owings Mills, Maryland, 16 pages of record pertaining to Homeland Security Delegation No. 0150.1, and 7030.2 and all subsequent Homeland Security Delegations and Directives that may have superseded Homeland Security Delegation No. 0150.1 and 7030.2 in whole or in part. The records were release in full with no deletions.
- On January 24, 2011, the Department of Homeland Security (DHS) released to **Edward Hasbrouck**, with **The Identity Project** in Oakland, California, 202-pages of records relating to his request seeking documents created in the course of processing, investigating, or action on his complaints of FOIA and Privacy Act violations. Portions of this response were withheld pursuant to FOIA Exemption (b)(5) and (b)(6).

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

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Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of January 21 - 27, 2011

Privacy Office

January 31, 2011

Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- NSTR

II. FOIA Requests

- On January 21, 2011, **Monica Alonzo**, a reporter with the *Phoenix New Times* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) Copies of Investigative reports related to any and all CBP law enforcement officers and agents who have been arrested or indicted on mission-critical corruption charges, including drug smuggling, alien smuggling, money laundering and conspiracy from 2000 to 2010; 2) Annual reports from 2005 to 2010 regarding how many weapons CBP has seized annually by or at all U.S. – Mexico border ports of entry; 3) Statistics regarding the number of complaints filed from 2005 to 2010, against CBP agents/officers with assignments along the U.S. – Mexico border; 4) Letters of complaints received from 2005 to 2010, by the Chief Patrol Agent at CBP Border Sectors along the U.S. – Mexico border; and 5) Reports/statistics from 2005 to 2010, that reveal how many CBP employees with assignments along the U.S. – Mexico border have been disciplined for mistreatment of illegal aliens in their custody. (Case Number CBP FOIA #2011F04972).
- On January 21, 2011, **Aileen B. Flores**, a reporter with the *El Paso Times* in El Paso, Texas, requested from U.S. Customs and Border Protection (CBP) copies of photographs of an individual taken into custody by CBP at the El Paso International Airport on January 20, 2011. (Case Number CBP FOIA #2011F04992).
- On January 25, 2011, **Jacques Billeaud**, a reporter with *The Associated Press* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) records regarding the details of the death of CBP Agent Brian Terry. (Case Number CBP FOIA #2011F05045).
- On January 26, 2011, **Rebecca Guiterman**, an individual with *The New Yorker* in New York, New York, requested from the United States Coast Guard (USCG) a list of all FOIA requests pertaining to the Gulf oil spill of 2010. (Case Number 2011FOIA1331).

Late Requests

- On January 5, 2011, **Peter Kuitenbrouwer**, a reporter with *The National Post* in Toronto, Ontario, Canada, requested from United States

Citizenship and Immigration Services (USCIS) all records relating to an individual. (Case Number NRC2011010113).

- On January 7, 2011, **Virginia Benzan**, a staff attorney with the **Massachusetts Law Reform Institute** in Boston, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) all decisions of the Northeast Region Director from January 8, 2008 until January 7, 2011, granting or denying deferred action status. (Case Number COW2011000071).
- On January 10, 2011, **Katie Cribbs**, a reporter with **WINK-TV** in Fort Myers, Florida, requested from United States Citizenship and Immigration Services (USCIS) the following records for the years 2009-2010: 1) A list of all employers participating in the H-2B program in the state of Florida; 2) The number of employees involved in the program; 3) Copies of all employer applications; 4) The total number of businesses in Florida that apply for this status; and 5) The number of applications approved each year in the state. (Case Number COW2011000032).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the United States Coast Guard (USCG) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and the USCG regarding Microsoft. (Case Number 2011FOIA1250).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the United States Coast Guard (USCG) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and the USCG regarding Chevron Corporation. (Case Number 2011FOIA1251).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and FEMA regarding Qualcomm, Inc. (Case Number 11-236).
- On January 12, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or staff and FEMA regarding any specific individual or corporation. (Case Number 11-236).
- On January 19, 2011, **Kevin Rogerson**, a City Attorney in Mount Vernon, Washington, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Data Notebook (TSDN). (Case Number 11-254).
- On January 20, 2011, **Carly Hawkins**, an individual in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) and the Federal Emergency Management Agency (FEMA) copies of any correspondence between Congressman Darrell Issa (R-CA), or his staff and USCIS or FEMA regarding United Parcel Service. (Case Number COW2011000061).
- On January 16, 2011, **David Perera**, a reporter with **FierceGovernmentIT** in Washington, D.C., requested from U.S.

Customs and Border Protection (CBP) copies of an Analysis of Alternatives conducted on border technology possibilities encompassing the El Paso, San Diego, and Rio Grande Valley sectors. (Case Number CBP FOIA #2011F04873).

- On January 20, 2011, **Gordon Arbuckle**, Principal, EMSNet, L.L.C. in Boulder, Colorado, requested from the United States Coast Guard (USCG) the following records: 1) Copies of any and all claims submitted to the National Pollution Funds Center (NPFC) seeking compensation from the Oil Spill Liability Trust Fund for damages as defined in 33 U.S.C. §2702(b)(2) resulting from the Gulf of Mexico Deepwater Horizon Oil Spill event of April 20, 2010; 2) Any and all orders, statements of policy, agency guidance, or other interpretation setting forth any policy within the NPFC's possession or control setting forth any applicable policy for position regarding the eligibility for compensation of damages resulting from or affected by any governmental action taken in response to the Gulf of Mexico Deepwater Horizon Oil Spill event of April 20, 2010; 3) The "Deepwater Offshore Drilling Moratorium" imposed by the Obama Administration on July 12, 2010; and 4) Any and all interim or final determinations regarding any of the claims identified above. (Case Number 2011FOIA1263).
- On January 20, 2011, **Vivek Mittal**, an Equal Justice Works Fellow/Staff Attorney with the **National Immigration Law Center** in Los Angeles, California, requested from United States Citizenship and Immigration Services (USCIS) records regarding Interim Employment Authorization Documents pursuant to 8 C.F.R. § 274a.13(d). (Case Number COW2011000062).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 24, 2011, the United States Coast Guard (USCG) released to **Alexander Nicholson**, founder and executive director of **Servicemembers United**, the number of service personnel that were separated from the USCG under the "Homosexual Conduct Policy" during 2010. These records were released in full. (Case Number 2011FOIA0288).
- On January 25, 2011, the United States Coast Guard (USCG) issued to **Larry Bryant**, a writer with **UFO Magazine**, Lambertville, New Jersey, a no records determination in response to his request seeking all records pertaining to the 1973 UFO-intrusion incident in 1973 involving the USCG Cutter SPENCER 73. (Case Number 2010FOIA3411).
- On January 25, 2011, United States Citizenship and Immigration Services released to **Suzanne Gamboa**, a reporter with **The Associated Press** in Washington, D.C., 1,977 pages responsive to her request seeking agency records from January 2007 through the end of February 2009, regarding

proposals for Administrative Alternatives to Comprehensive Immigration Reform. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number COW2010000521).

- On January 26, 2011, the Office of Inspector General (OIG) released to **G.W. Schulz**, a reporter with the ***Center for Investigative Reporting*** in Austin, Texas, a 234-page list of investigations conducted by the OIG from 2003 to the present. These records were released in full. (Case Number OIG FOIA #2011-046).
- On January 27, 2011, United States Citizenship and Immigration Services released to **Paul Higbee, Jr.**, an attorney from Cumming, Georgia, 279 pages pertaining to the USCIS Verification Division. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2009026711).
- On January 27, 2011, the United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, from **Schuster Institute for Investigative Journalism** in Oakland, California, 27 pages in response to her request seeking records relating to DNA fraud in the adoptions of Guatemalan children by United States citizens. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).

V. Lawsuits

- In the matter of *Janina Molek vs. Janet Napolitano, Eric Holder, Alejandro Mayorkas and Ruth Dorochof*, (10 CV 5551), the Plaintiff filed a complaint January 18, 2011, claiming that her entire record was not disclosed under the FOIA/PA Act.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of January 28 – February 3, 2011
Privacy Office
February 7, 2011
Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On January 27, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it has reached the statutory cap of 65,000 H-1B petitions for FY 2011. Accordingly, January 26, 2011, is the final receipt date for new H-1B specialty occupation petitions requesting an employment start date in FY 2011. Applications received on January 26, 2011, will be selected using a computer-generated random selection process to meet the cap. Unselected applications will be rejected and the fee returned. This cap does not apply to petitions exempt from the cap due to the “advanced degree” exemption, which continues to be processed. Additionally, petitions filed on behalf of current H-1B workers who were previously counted against the cap will not be counted again, so USCIS will continue to accept and process those petitions.
- II. FOIA Requests**
- On January 28, 2011, **David Shapiro**, staff attorney with the **American Civil Liberties Union’s National Prison Project** in Washington, D.C., requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) records concerning sexual abuse of detainees in the custody of U.S. Immigration and Customs Enforcement (ICE) from January 1, 2007 to the present. (Case Number DHS/OS/PRIV 11-372 and OIG FOIA #2011-062).
 - On February 1, 2011, **Laura Strickler**, a producer with **CBS News** in Washington, D.C., requested from the United States Coast Guard (USCG) records related to a 27-foot National Oceanic and Atmospheric Administration (NOAA) law enforcement vessel that was inspected by the USCG in 2008 and is currently located in Seattle, Washington. (Case Number 2011FOIA1375).
 - On February 2, 2011, **John Althen**, a reporter with **Judicial Watch Inc.**, in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) statistical records from the ENFORCE database concerning breaches of the U.S.-Mexico border fence between FY 2009-FY 2010. (Case Number CBP FOIA #2011F05204).
 - On February 2, 2011, **Kim Murphy**, a reporter with **The Los Angeles Times**, Northwest Bureau, Bainbridge Island, Washington, requested from U.S. Customs and Border Protection (CBP) records by CBP in regards to the details of the death of CBP Agent Brian Terry. (Case Number CBP FOIA #2011F05207).

- On February 2, 2011, **Scott Taylor**, an investigative reporter with **19 Action News** in Cleveland, Ohio, requested from the United States Coast Guard (USCG) a copy of the USCG Hearing Office letter to (b) (6) or his lawyer regarding the final decision on his citation of (b) (6) (Case Number 2011FOIA1383).

Late Request

- On January 19, 2011, **Kevin Rogerson**, City Attorney of Mount Vernon, Washington, requested from the Federal Emergency Management Agency (FEMA) copies of FEMA's Technical and Scientific Data Notebook (TSDN) used to determine proposed flood elevations for the Skagit River in Skagit County, Washington. (Case Number 11-254).
- On January 26, 2010, **Jason Smathers**, a blogger with **Muckrock.com** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all DHS Weekly Cabinet Reports to White House created between December 22, 2010 to the present. (Case Number DHS/OS/PRIV 11-384).
- On January 27, 2010, **Martha Mendoza**, a national writer with *The Associated Press*, requested from the Department of Homeland Security (DHS) the following records: 1) Any documents, memos, reports, or other records that would show how many people have been arrested and how many convicted each year for the past ten years under U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 – TERRORISM; 2) Any documents, memos, reports, or other records that would show how many people have been detained without arrest each year for the past ten years for ties to terrorism; 3) Any documents, memos, reports, or other records that would show the current status of people convicted and the sections and subsections of crime under which they have been convicted under anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM. during the past 10 years; 4) Any documents, memos, reports, or other records that would show the nationality of those arrested and convicted under anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 – TERRORISM; 5) Any documents, memos, reports, or other records that would show the names, dates and circumstances for people arrested under U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM each year for the past ten years; and 6) Any audits, surveys or studies of U.S. federal anti-terrorism laws including the USA Patriot Act and U.S. Code TITLE 18 PART I CHAPTER 1138 - TERRORISM published in the last 10 years. (Case Number DHS/OS/PRIV 11-0375).
- On January 27, 2011, **Sam Oxman**, a journalist with **CBS News 13** in Fairbanks, Alaska, requested from the Department of Homeland Security (DHS) copies of a letter that details a plan for the federal government to

declare martial law over the Trans Alaska pipeline sent to Alyeska Service Company from DHS. (Case Number DHS/OS/PRIV 11-0381).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 12, 2011, United States Citizenship and Immigration Services (USCIS) released to **Byron Harris**, a journalist with **WFAA-TV** in Dallas, Texas, one page of statistical data on the number of H-2B petitions applied for and granted to San Antonio Aerospace and Mobile Aerospace Engineering for the last five years. These records were released in full.
- On February 1, 2011, Office of Inspector General (OIG) released to **David Shapiro**, a staff attorney with the **American Civil Liberties Union's National Prison Project** in Washington, D.C., 99 pages of OIG investigative records pertaining to U.S. Immigration and Customs Enforcement (ICE) detainee deaths in detention from December 3, 2009 to the present. Portions of this response were withheld pursuant to FOIA exemptions (b)(2)(high), (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C). (Case Number OIG FOIA #2011-028).

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of February 4 - 10, 2011
Privacy Office
February 14, 2011
Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On January 31, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum *Notice to Applicants and Petitioners Concerning Ability to File Motions to Reopen or Reconsider; Revisions to the Adjudicator's Field Manual (AFM) Chapter 10.7; AFM Update AD11-09* on its public website for stakeholder review and comment. This memorandum documents USCIS policy for including information about the opportunity to file a motion to reopen or reconsider when issuing a written denial of a petition or application. The comment period ends February 14, 2011.
- On February 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum *Guidance for Coordinating the Adjudication of Applications and Petitions Involving Individuals in Removal Proceedings; Revisions to the Adjudicator's Field Manual (AFM) New Chapter 10.3(i); AFM Update AD 11-16* on its public website for stakeholder review and comment. This policy memorandum provides guidance for coordination with U.S. Immigration and Customs Enforcement (ICE) on the adjudication of applications and petitions involving individuals in removal proceedings before the Executive Office of Immigration Review (EOIR). This memorandum concerns only applications and petitions over which USCIS has jurisdiction. The comment period ends on February 22, 2011.

II. FOIA Requests

- On February 4, 2011, **Suzanne Gamboa**, a reporter with **The Associated Press** in Washington, D.C., requested from the Department of Homeland Security (DHS) records from January 2007 through the end of February 2009, regarding proposals for administrative alternatives to comprehensive immigration reform. (Case Number DHS/OS/PRIV 11-0405).
- On February 8, 2011, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Office of Inspector General (OIG) all records used to reach conclusions in report #OIG-11-30 entitled, *The State of New York's Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Year 2006 through 2008*. (Case Number OIG FOIA #2011-065).
- On February 8, 2011, **Erin Maskell**, a representative of the **National Security Archive** in Washington, D.C., requested from the Department of Homeland Security (DHS) all documents, including but not limited to reports, white papers, briefing papers and memoranda written for and/or

read by DHS Secretary Michael Chertoff relating to Luis Posada Carriles between March 2005 and the end of May 2005. (Case Number DHS/OS/PRIV 11-0412).

- On February 8, 2011, **Andrew Medici**, a journalist with the **Federal Times** in Springfield, Virginia, requested from the Department of Homeland Security (DHS) copies of all relevant contact information for all public affairs officers within the Department of Homeland Security. (Case Number DHS/OS/PRIV 11-0411).
- On February 9, 2011, **Corinne Reilly**, a journalist with *The Virginian-Pilot* in Norfolk, Virginia, requested from the United States Coast Guard (USCG) records pertaining to the USCG's investigation into the death of Petty Officer Third Class Shaun Lin, who was on duty in waters off Virginia when he died in October 2010. (Case Number 2011FOIA1476).

Late Request

- On January 19, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from United States Citizenship and Immigration Services (USCIS) records regarding fraud or waste in the EB-5 visa program from FY 2003 to date. (Case Number COW2011000111).
- On January 22, 2011, **Michael Ravnitzky**, a self-proclaimed journalist from Silver Spring, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of the USCIS Employee Misconduct Reporting Form and a copy of the Management Inquiry Handbook. (Case Number COW2011000109).
- On January 26, 2011, **Benny Agosto, Jr.**, a representative of the **Law Offices of Abraham, Watkins, Nicholas, Sorrels, Agosto, and Friend** in Houston, Texas, requested from the United States Coast Guard (USCG) documents concerning injuries sustained by an individual while onboard the vessel LEROY JONES on July 13, 2010, during the clean-up of the Deepwater Horizon oil spill. (Case Number 2011FOIA1402).
- On February 2, 2011, **David Fallis**, a staff writer with *The Washington Post* in Washington, D.C., requested from the United States Coast Guard (USCG) copies of the database and/or tables known as Merchant Vessels of the United States. Specifically, the data sought is contained within the computer databases known as MISLE and VDS and is a registry of all merchant and recreational vessels ever documented by the USCG. (Case Number 2011FOIA1421).
- On February 2, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **J.M. Berger**, a journalist with **Intelwire.com** in Cambridge, Massachusetts, seeking all documents relating to non-military American citizens killed in Somalia from 2001 to the present. (Case Number DHS/OS/PRIV 11-0393).
- On February 3, 2011, **Darrell K. Cherry**, a representative of the **Law Office of Deutsch, Kerrigan, and Stiles** in New Orleans, Louisiana,

requested from the United States Coast Guard (USCG) communications between the USCG and BP concerning dispersants from April 20, 2010 to the present. (Case Number 2011FOIA1449).

- On February 3, 2011, **Scott P. McClintock**, State's Attorney, Henderson County in Oquawka, Illinois, requested from the Federal Emergency Management Agency (FEMA) copies of all documentation pertaining to the Henderson County application of grant assistance related to FEMA declaration No. FEMA-IL-DR1771. (Case Number 11-286).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On January 14, 2011, Department of Homeland Security (DHS) issued to **Michael Page**, a staff attorney with the **Public Citizen Litigation Group** in Washington, D.C., a no records determination in response to his request seeking all records dated on or after January 6, 2006, that discuss, refer to, or relate to private entities' business relationships with Wiki Leaks, including but not limited to PayPal, MasterCard, Visa, and Amazon.com.
- On February 7, 2011, Department of Homeland Security (DHS) released to **Frank Bass**, a reporter with **Bloomberg News** in Washington, D.C., 46 pages of records pertaining to correspondence sent to DHS between January 1, 2010, and the present from the following members of the U.S. House of Representatives: 1) John Boehner (R-OH); 2) Eric Cantor (R-VA); 3) Jeb Hensarling (R-TX); 4) Paul Ryan (R-WI); 5) Peter King (R-NY); 6) Michele Bachman (R-MN); 7) Dave Camp (R-MI); and 8) Darrell Issa (R-CA). Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On February 7, 2011, Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with *The Washington Post* in Washington, D.C., 22 pages of records pertaining to the names of all Domestic Nuclear Detection Office (DNDO) employees, to include their dates of employment, their salaries, and the annual bonuses they received, by year, for each year, from the creation of the office to the present and the performance bonuses or fees paid to all DNDO contractors for the same time period. These records were released in full.
- On February 8, 2011, U.S. Customs and Border Protection (CBP) issued a full denial to **Jacques Billeaud**, a reporter with **The Associated Press** in Phoenix, Arizona, regarding his request seeking reports, videos, autopsy reports, radio communications, and other reports written by Border Patrol in regards to the details of the death of Border Patrol Agent Brian Terry.
- On February 9, 2011, United States Citizenship and Immigration Services (USCIS) released to **Joan Friedland**, from **National Immigration Law Center** in Washington, D.C., 715 pages responsive to his request seeking records related to a free 1.5 Webinar on the use of the SAVE Program for Georgia Cities and Counties that are required to use SAVE by the Georgia

Security and Immigration Compliance Act. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6).

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Bobbi Jo Alexis**, an attorney with the Prince William County Government in Prince William, Virginia, a Microsoft Excel spreadsheet containing information on individuals encountered, arrested, and/or removed from Prince William County. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On February 11, 2011, United States Citizenship and Immigration Services (USCIS) released to **Henry Schuck**, an attorney in Vancouver, Washington, 8 pages in response to his request seeking an organizational chart for the Office of Chief Information Officer, and a chart for the Information Technology Division of the Bureau of Citizenship and Immigration Services. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of February 11 - 17, 2011

Privacy Office

February 22, 2011

Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On February 9, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through February 1, 2011.
 - On February 11, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it is issuing employment and travel authorization on a single card for certain applicants filing an Application to Register Permanent Residence or Adjust Status, Form I-485. This new card represents a significant improvement from the current practice of issuing paper Advance Parole documents. USCIS will continue to issue separate Employment Authorization Document (EAD) and Advance parole documents as warranted. Employers may accept the new card as a List A document when completing the Employment Eligibility Verification, Form I-9.
 - On February 11, 2011, United States Citizenship and Immigration Services (USCIS) posted a draft memorandum entitled *Issuance of Advance Parole Employment Authorization Document; Revisions to Adjudicator's Field Manual (AFM) Chapters 54.2 (b), 54.3 (d) (3), 54.3 (e) - (h), and 55.3 and addition of Appendices 55-4, 55-5, 55-6, and 55-7 (AFM Update AD07-27)* on its public website for stakeholder review and comment. The purpose of the memorandum is to permit issuance of an Employment Authorization Document (EAD), Form I-766, with an advance parole endorsement. The period for comments ends on February 28, 2011.
- II. FOIA Requests**
- On February 11, 2011, **John A. Konrad V.**, founder and CEO of **Unofficial Networks, LLC**, requested from the United States Coast Guard (USCG) all available photographs of the Deepwater Horizon spill incident taken on and after April 23, 2010. (Case Number 2011FOIA1522).
 - On February 14, 2011, **Cynthia Sarthou**, with the **Gulf Restoration Network** in New Orleans, Louisiana, requested from the United States Coast Guard (USCG) the following records: 1) Any guideline, rule, regulation or protocol promulgated, created or used by any employee of the Coast Guard or by any contractor working for the USCG or British Petroleum ("B.P.") in deciding whether beaches should be augured to determine the presence of oil beneath the surface sand; 2) Copies of memoranda, letters, emails, or other communications made between

April 20, 2010, and the date of this request between the USCG and its contractors, B.P. or any of B.P.'s contractors regarding any guideline, rule, regulation, or protocol guiding decisions on which beaches in the states of Texas, Louisiana, Mississippi, Alabama and Florida, as well as beaches on barrier islands known as the Gulf Islands National Seashore belonging to the U.S. Park Service, should be augured to determine the presence of oil beneath the surface sand; and 3) Copies of memoranda, letters, emails, or other communications made between April 20, 2010, and the date of this request between the USCG and its contractors, B.P. or any of B.P.'s contractors regarding decisions made regarding the auguring of beaches in the states of Texas, Louisiana, Mississippi, Alabama and Florida, as well as beaches on barrier islands known as the Gulf Islands National Seashore belonging to the U.S. Park Service, to determine the presence of oil beneath the surface sand. (Case Number 2011FOIA1532).

- On February 16, 2011, the U.S. Department of Commerce, National Oceanic and Atmospheric Administration referred to the Department of Homeland Security (DHS) documents responsive to a request from , **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, D.C., seeking the following records: 1) Copies of any and all video feeds that capture in whole or in part any aspect of the British Petroleum (BP) Deepwater Horizon Oil Spill in the Gulf of Mexico (BP Oil Spill), including but not limited to the ongoing live video feed of the BP Oil Spill provided by BP, as referenced in Brian Ross "BP Releases Oil Spill Video After Pressure >From White House and Media, ABC News May 12,2010, available at <http://abcnews.go.com/IBlotter/bp-releasees-oil-spillvideo-pressure-white-house/story?id=10629165>; and 2) All documents that mention, refer, or relate to NOAA communications concerning the use of dispersants in the course of any efforts to mitigate or clean up the BP Oil Spill, including but not limited to, all internal NOAA communications as well as all communications to, by, or from NOAA to the EPA, the Dept of Interior, BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP Oil Spill. (Case Number DHS/OS/PRIV 11-0462).
- On February 10, 2011, **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, D.C., requested from the Department of Homeland Security (DHS) records of communications among and between Congressman Darrell Issa (R-CA) and/or anyone acting on behalf of Rep. Issa or the House of Representatives Committee on Oversight and Government Reform, Rep. Issa's personal staff, any staff of, and any investigators internal or external to the Oversight Committee including but not limited to (b) (6) [REDACTED] and: any Employee of the DHS Privacy Office

including but not limited to: 1) William Holzerland; 2) Catherine M. Papoi; and 3) Vania T. Lockett. (Case Number DHS/OS/PRIV 11-0423).

- On February 10, 2011, **Russell Carollo**, a journalist, in Pueblo, Colorado, requested from the Department of Homeland Security (DHS) copies of all correspondence since January 1, 2000, to or from U.S. Darrell Issa (R-CA). (Case Number DHS/OS/PRIV 11-0429).
- On February 15, 2011, **Gregory Korte**, a staff writer with *USA Today* in Washington, D.C., requested from the Department of Homeland Security (DHS) all correspondence between DHS and the House Committee on Oversight and Government Reform, its chairman, Rep. Darrell Issa (R-CA), or subcommittees, from January 1, 2010 to the present. (Case Number DHS/OS/PRIV 11-0451).
- On February 17, 2011, **William Bransford**, an attorney with Shaw, Bransford & Roth, requested from the Department of Homeland Security (DHS) the following records on behalf of his client: 1) His client's personnel file, including but not limited to each of their annual performance appraisals; 2) All records pertaining to the decision to grade and compete the Deputy Chief Freedom of Information Act Officer position at the Senior Executive Service Level in 2010; 3) All records pertaining to the competition of, and selection of, the Deputy Chief Freedom of Information Act Officer, Senior Executive Service, position announced in Job Announcement No. CHCO-1 0-023DHS-DHS353532; and 4) Other related records. (Case Number 11-0465).
- On January 31, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding an ICE detainee who died January 13, 2011, apparently suffering from leukemia. (Case Number 2011FOIA5077).
- On January 31, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) reports generated by ICE's Management Inspection Unit, Detention Facilities Inspection Group from February 26, 2010 to the present. (Case Number 2011FOIA5082)
- On February 9, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) any records regarding the Automated Threat Prioritization (ATP) from FY 2008 to date. (Case Number 2011FOIA5642).
- On February 14, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle in Houston*, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records related to Secure Communities Program Management Office criminal alien population projection. (Case Number 2011FOIA5829)
- On February 14, 2011, **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) communication to or from David C.

Palmatier regarding staffing, resources, and/or technical (including IT) issues for ICE's Law Enforcement Support Center (LESC) from October 1, 2008. (Case Number 2011FOIA5842).

- On February 15, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b) (6) a self-proclaimed publisher, author and blogger in Harrison, Arkansas, seeking a copy of any and all communications received from the Department of Defense (DOD), U. S. Health and Human Services (HHS), DHS, or any state or federal agency regarding (b) (6) and or Tyson Foods. (Case Number DHS/OS/PRIV 11-0457).
- On February 15, 2011, **Sean Caincross**, Chief Counsel with the **National Republican Senatorial Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) correspondence between U.S. Senator Robert Menendez (D-NJ) and any DHS official regarding the Center of Excellence in Port Security at Stevens Institute of Technology for the period of January 1, 2002 to the present. (Case Number DHS/OS/PRIV 11-0444).
- On February 15, 2011, **Jennifer Kay**, a reporter with The Associated Press in Miami, Florida, requested from the Department of Homeland Security (DHS) the following records: 1) Copies of any and all correspondence, including e-mails, faxes and letters, among members of the Office of Secretary of Homeland Security, including Secretary Janet Napolitano and her deputy secretary, chief of staff, executive secretary and military adviser, regarding the resumption of deportations to Haiti on Jan. 20, 2011; and 2) Copies of any and all correspondence between the Office of the Secretary of Homeland Security and the Office of Immigration and Customs Enforcement Director John Morton regarding the resumption of deportations to Haiti. (Case Number DHS/OS/PRIV 11-0457).
- On February 15, 2011, **Stuart Megaw**, a representative of **Blue Star Energy Solutions** in Chicago, Illinois, requested from the Federal Emergency Management Agency (FEMA) information pertaining to the purchase of electricity and natural gas from competitive suppliers for DOJ (*sic*) facilities in Illinois, Texas, California, New York, Michigan, Ohio, Massachusetts, Maryland, Connecticut, Washington, D.C., New Jersey, Delaware, Oregon, Maine, New Hampshire and Pennsylvania. (Case Number 11-296).

Late Request

- On December 15, 2010, **Michael Ravnitzky**, a self-proclaimed journalist in Silver Spring, Maryland, requested from U.S. Customs and Border Protection (CBP) records about the seizure of passport documents by CBP. (Case Number CBP FOIA 2011F02703).
- On January 31, 2011, **Shannon Dininny**, a correspondent with **The Associated Press** in Yakima, Washington, requested from U.S. Immigration

and Customs Enforcement (ICE) the number of officers and other staff members involved with the January 20, 2011, arrest in Ellensburg, Washington, related to an investigation into counterfeit citizenship documents. (Case Number 2011FOIA5068).

- On February 16, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) copies of records of “voluntary return” forms signed with a thumbprint, specifically completed form I-826 Notice of Rights and Request for Disposition, for the following sectors from 2007-2011: 1) Yuma; 2) Tucson; 3) Del Rio; 4) Laredo; and 5) Rio Grande Valley. (Case Number 2011F05515).
- On January 31, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following records: 1) Any record reflecting the policy or statement of ICE, DHS, or local agency regarding the procedure for identifying a victim of trafficking, other crimes covered under a U Visa, or instances of domestic abuse; and 2) Any record suggesting, or otherwise discussing the parameters and/or definition of “compliance with requests to assist in the investigation/prosecution of the crime of trafficking” and/or “cooperation” for the purposes of Form I-914, Supplement B (Declaration of Law Enforcement Officer for Victim of Trafficking in Persons). (Case Number 2011FOIA5576).
- On January 31, 2011, **Sarnata Reynolds**, a representative of **Amnesty International USA** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) records of agreement between ICE and any corporation regarding the entity’s security officers, regular employees, any other employee, and/or contractors for attempting to determine the immigration status of anyone in or around the premises of the entity, calling ICE to report on an individual or group of individuals, and/or making arrests due to a suspicion that a person is not permitted to be in the US. (Case Number 2011FOIA5577).
- On February 7, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to request made to the Department of Foreign Affairs Canada seeking the complete text of the Civil Assistance Plan signed by Canada and the United States on February 14, 2008. (Case Number DHS/OS/PRIV 11-0441).
- On February 8, 2011, **John Reinstein**, legal director with the **American Civil Liberties Union (ACLU) of Massachusetts** in Boston, Massachusetts, requested from the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) and U.S. Customs and Border Protection (CBP) copies of records pertaining to (b) (6) specifically: (1) Any and all records pertaining to, mentioning or describing (b) (6) (2) Any and all communications relating to, mentioning or describing (b) (6) (3) Any and all records pertaining to or describing (b) (6) known or alleged associations,

including associations with political organizations; (4) Any and all suspicious activity reports that include (b) (6) name; (5) Any and all reports of investigations mentioning (b) (6) and (6) a copy of form CBP-6051-D and any other documentation showing the chain of custody for (b) (6) items and any documentation made pursuant to CBP or ICE (or other government agency) regulations documenting that copies determined to be of no legal value have been destroyed. (Case Number DHS/OS/PRIV 11-0442, 2011FOIA5579 and 2011F05681).

- On February 8, 2011, **Alison Parker**, director of **Human Rights Watch's US Program** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following information pertaining to anyone detained or in custody for the period starting October 1, 1998 to the present: 1) ID Seq #; 2) Nationality Code; 3) Gender Code; 4) DCO; 5) Detention Location Code; 6) Initial Book in Date; 7) Book in Date; 8) Release Date; 9) Release Type; 10) Date Entered (into database); 11) Apprehension Date; 12) Apprehension Location (city, state); 13) Initial book in facility; 14) Detention Location Code for receiving facility; and 15) 1st, 2nd, 3rd, etc facility held in. (Case Number 2011FOIA5621).

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Bobbi Jo Alexis**, a representative of **Prince William County** in Prince William, Virginia, one Microsoft Excel spreadsheet containing information on individuals encountered, arrested, and/or removed from Prince William County. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA2245).
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Chris Collins**, a reporter with **The Fresno Bee** in Fresno, California, a spreadsheet responsive to his request for information related to the final orders stemming from I-9 inspections and investigations of companies in northern California. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(7)(A).
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tony Corbo**, a lobbyist with the non-profit consumer advocacy organization **Food & Water Watch** in Washington, D.C., six pages of records referred by the United States Department of Agriculture (USDA) pertaining to the applications made by the People's Republic of China for equivalence determinations for all products covered under the Federal Meat Inspection, the Poultry Products Inspection and Egg Product Inspection Acts, and the decisions rendered by the Food Safety and Inspection Service (FSIS) since January 1, 2000. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).

- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Frank Knaack**, an attorney with the **American Civil Liberties Union (ACLU) of Texas** in Austin, Texas, 104 pages of records concerning funding of and contracts pertaining to ICE programs in Texas; specifically related to the 287(g) program, the Criminal Alien Program, and the Secure Communities program. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(4), (b)(6) and (b)(7)(C),
- On February 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Lauren Smiley**, a reporter with the **San Francisco Weekly** in San Francisco, California, a spreadsheet containing information on I-9 inspections and investigations on companies in northern California. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2)(high) and (b)(7)(A). (Case Number 2010FOIA4867).
- On February 15, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Rene Kathawala**, an attorney with **Orrick, Herrington & Sutcliffe LLP**, in New York, New York, 81 pages of records responsive to her request seeking copies of all drafts and supporting documentation pertaining to the October 6, 2009 report entitled *Immigration Detention Overview and Recommendations*, authored by Dr. Dora Schriro. Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On February 15, 2011, United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, a Fellow at **Schuster Institute for Investigative Journalism at Brandeis University** in Waltham, Massachusetts, records relating to DNS fraud in the adoptions of Guatemalan children by United States Citizens. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2010005938).

V. Lawsuits

- In the matter of *Robert A. Bloomer, Jr. v. U.S. Department of Homeland Security*, (USDC Vt. 2:11-CV-35), Plaintiff filed a complaint February 4, 2011, claiming constructive denial pertaining to their request to United States Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) for records pertaining to an individual, his imprisonment, and subsequent deportation.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), (Secure Communities Case): A supplemental declaration on the exemptions claimed in the opt-out records was submitted Friday, January 28, 2011. An Order requiring U.S. Immigration and Customs Enforcement (ICE) to produce all responsive documents as single files, individually Bates numbered, and with the accompanying metadata was filed on February 3, 2011. ICE intends to appeal this decision.

- In the matter of CASA de Maryland v. DHS, (USDC Maryland 08-3249): On January 31, 2010, the Fourth Circuit upheld the District Court's ruling and ordered ICE to disclose the information previously withheld under FOIA Exemptions (b)(6) and (b)(7)(C).
- In the matter of National Immigration Law Center v. DHS, (USDC CD California 08-07092), Plaintiffs and ICE settled the case for \$86,243.00, and an Order dismissing all remaining claims was filed on February 1, 2011.
- In the matter of Judicial Watch v. DHS, (D.D.C. 10-2054-EGS), ICE responded to the FOIA request on February 11, 2011. All pages of the draft report were withheld in full pursuant to FOIA Exemption (b)(5). ICE filed its answer with the Court on Monday, February 14, 2011.
- In the matter of WECOUNT!, INC. v. DHS, (D.D.C. 11-00143), Plaintiff filed a FOIA request (2010FOIA1262) seeking records relating to enforcement actions in the Miami area between November 18 and 20, 2009. The records were withheld in their entirety pursuant to FOIA Exemption (b)(7)(A) on March 8, 2010. Plaintiffs appealed on the grounds that (b)(7)(A) was overbroad. The appeal was denied on July 29, 2010, and plaintiffs filed suit on January 21, 2011 seeking to compel the release of the records.
- In the matter of Olivas Castillo v. DHS, et al., (D.N.M. 11-00069), the Plaintiff filed a FOIA request with USCIS in November 2007 seeking records related to an investigation into his previous marriage. USCIS referred 15 pages of records to ICE (7 pages of which were duplicates). ICE received the request on June 19, 2009 (2009FOIA4061). Portions of the remaining 8 pages were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and k2. Plaintiff filed suit on January 20, 2011 challenging ICE's claimed exemptions.
- In the matter of Bloomer v. DHS, (D. Vt. 11-CV-35), Plaintiff submitted FOIA requests to USCIS and ICE in December 2006 seeking records relating to a deceased individual. ICE referred the request to USCIS. Plaintiff filed suit on February 4, 2011 to compel the release of responsive records.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of February 18 - 24, 2011

Privacy Office

February 28, 2011

Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On February 18, 2011, United States Citizenship and Immigration Services (USCIS) posted the transcript of a recently held press conference on its public website. The press conference served to introduce USCIS' strategic goals and initiatives for 2011 and to provide a forum for questions to be asked.

II. FOIA Requests

- On February 18, 2011, **Scott H. Amey**, General Counsel for the **Project On Government Oversight (POGO)** in Washington, D.C., requested from the Department of Homeland Security (DHS) and the Office of Inspector General (OIG) the following records involve or relating to: 1) the Secretary's exercise of discretion pursuant to the Homeland Security Act of 2002 Section 811(a) which states that the Inspector General (IG) is under the authority, direction, and control of the Secretary with respect to certain investigations and audits; 2) the Secretary's exercise of discretion pursuant to the Homeland Security Act of 2002 Section 811(b) which states that "the Secretary may prohibit the Inspector General from carrying out or completing any audit or investigation, or from issuing any subpoena"; 3) the DHS (IG) pursuant to Section 811(c) requiring "the Secretary [to] notify the Inspector General of the Department in writing stating the reasons for such exercise"; 4) notification by the Secretary to Congress pursuant to Section 811(c)(2); and 5) any response from the DHS IG, as authorized by Section 811(c)(1), as to whether the IG agreed or disagreed with the Secretary's exercise of authority to prohibit the IG's work. (Case Number DHS/OS/PRIV 11-0472 and 2011-074).
- On February 22, 2011, **Rob Koebel**, a reporter with **Fox 4** in Cape Coral, Florida, requested from the Department of Homeland Security (DHS) all emails, text messages, and voicemails between Secretary Janet Napolitano and Dennis Burke from July 2010 to December 2010 that reference Joe Arpaio. (Case Number DHS/OS/PRIV 11-0480).
- On February 22, 2011, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Department of Homeland Security (DHS) records concerning the review of events and responses to the May 1, 2010 attempt to detonate an explosive device in Times Square, New York City, by Faisal Shahzad. (Case Number DHS/OS/PRIV 11-0474).
- On February 23, 2011, **Sean Cairncross**, Chief Counsel for the **National Republican Senatorial Committee** in Washington, D.C.,

requested from the Department of Homeland Security (DHS) the following records: 1) correspondence between the office of Secretary Napolitano and David Plouffe for the period January 21, 2009 to the present; 2) correspondence between the office of Secretary Napolitano and the Democratic National Committee for the period January 21, 2009 to the present; 3) correspondence between the office of Secretary Napolitano and Obama For America for the period January 21, 2009 to the present; 4) correspondence between the office of Secretary Napolitano and Organizing For America for the period January 21, 2009 to the present; 5) correspondence between the office of Secretary Napolitano and the Democratic Senatorial Campaign Committee or Democratic Congressional Campaign Committee for the period January 21, 2009 to the present; 6) correspondence between the office of Secretary Napolitano and the Arizona Democratic Party for the period January 21, 2009 to the present; 7) schedules or records reflecting Secretary Napolitano's activities for the period January 21, 2009 to the present, including any schedules arranged, noted, or otherwise recorded or created by Secretary Napolitano, or by any other person, computer program, or entity; 8) purchase orders (office supplies, furniture, etc.) for Secretary Napolitano's private office; and 9) documents or records of charges and payments to any government credit cards issued to Secretary Napolitano or provided for her use. (Case Number DHS/OS/PRIV 11-0482).

- On February 23, 2011, **Alison Young**, a reporter with the *USA Today* in McLean, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) any emails, memos, reports or other records (paper or electronic) involving TSA media relations staff (including but not limited to (b) (6) TSA staff in the office of the administrator (including but not limited to Administrator (b) (6) TSA legislative affairs staff, TSA health and safety staff (including but not limited to (b) (6) DHS media relations staff, DHS staff in the office of the secretary (including but not limited to Secretary Napolitano), DHS staff in the office of health affairs or DHS legislative affairs staff relating to why USA TODAY has not yet been granted access to the airport x-ray inspection records; 2) any risk assessment memos or public relations strategy documents (paper or electronic), including emails, memos, strengths-weaknesses-opportunities-threats (SWOT) memos or other records relating to USA TODAY's request to review radiation safety/x-ray inspection reports for airport full-body scanners and baggage screening devices; 3) any reports, memos, emails or other documents (paper or electronic) that summarize the contents of the documents that USA TODAY has been seeking to review; and 4) any reports, memos, emails or other documents (paper or electronic) that involve the method DHS/TSA may use to release the records. (Case Number DHS/OS/PRIV 11-0481).

Late Request

- On February 4, 2011, **John Althen**, a representative with **Judicial Watch**, in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) copies of all correspondence including but not limited to email between USCIS Director Alejandro Mayorkas and David Shahouljian from December 3, 2010 and February 3, 2011, referring to agency regulations or policy issues of any kind. (Case Number COW20110000168).
- On February 11, 2011, **Alan Pearson**, an individual in New Orleans, Louisiana, requested from the Federal Emergency Management Agency (FEMA) all correspondence between (b) (6) of the U.S. Department of Justice (DOJ), U.S. Attorney Office, 500 Poydras Street, New Orleans, Louisiana, 70130. (Case Number 11-318).
- On February 15, 2011, **Dr. Tom Payne**, an attorney at **Tom Payne and Associates PLLC**, Biloxi, Mississippi, requested from the Federal Emergency Management Agency (FEMA) records on the following companies: 1) Recreational Management Group; 2) Outdoor Management Financial Group; Bayou RV Estates; and 3) 5 Star Resorts and Five Star Associates, Inc. (Case Number 11-308).
- On February 15, 2011, **Senator Jim Webb** (D-VA), requested from the Department of Homeland Security (DHS) information regarding five FOIA's submitted to Department of Homeland (DHS)/ Homeland Security Investigations (HSI) pertaining to an EEO complaint. (Case Number DHS/OS/PRIV 11-0464).
- On February 16, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **William Olson**, an attorney with **William J. Olson, P.C.**, in McLean, Virginia, records responsive to his request concerning or relating to the agreement between the United States and Mexico which would provide, in some manner, for the payment of U.S. Social Security benefits to Mexican nationals. (Case Number DHS/OS/PRIV 11-0470 and 11-0471).
- On February 17, 2011, **John Althen**, a representative of **Judicial Watch** in Washington, D.C., requested from the Department of Homeland Security (DHS) the following: 1) any and all records of communications, contracts, or correspondence with the White House and/or the Executive Office of the President concerning a report/memorandum prepared at the direction of the United States Secretary for Homeland Security Janet Napolitano related to Carlos Marinelly-Mantano, an unlawfully present alien charged with killing a Benedictine nun and injuring two others in an August 2010 drunk driving incident in Prince William County, Virginia; and 2) any and all records of communications, contracts, or correspondence within the DHS concerning a report/memorandum prepared at the direction of the United States Secretary for Homeland Security Janet Napolitano related to Carlos Marinelly-Mantano.

III. FOIA Appeals

- NSTR

IV. FOIA Releases

- On February 14, 2011, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A), issued to **Nate Carlisle**, a journalist with the ***Salt Lake Tribune*** in Salt Lake City, Utah, a no records determination in response to his request seeking the following: 1) records of all payments or expenditures related to security at Flaming Gorge Reservoir or Flaming Gorge Dam since September 11, 2001; 2) Agendas, schedules or other plans issued in preparation for anti-terrorism or security exercises held at Flaming Gorge Reservoir or Flaming Gorge Dam in 2003 and 2009 and the after-action reports or assessments made after both exercises; 3) records of all real or perceived security threats made or executed against Flaming Gorge Dam or Flaming Gorge Reservoir since September 11, 2001; and 3) records describing the likely or potential outcome of any man-made attacks or terrorism attacks against Flaming Gorge Dam or Flaming Gorge Reservoir. (Case Number 11-OIA-0029).
- On February 17, 2011, United States Citizenship and Immigration Services (USCIS) released to **Joan Friedland**, National Immigration Policy Director with the **National Immigration Law Center** in Washington, D.C., 715 pages responsive to her request seeking records pertaining to the 1.5 hour Webinar on the use of the SAVE Program for Georgia Cities and Counties that are required to use SAVE by the Georgia Security and Immigration and Compliance Act. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number NRC2009059273).
- On February 21, 2011, the Science and Technology (S&T) Directorate released to **Ginger McCall**, Assistant Director of **Electronic Privacy Information Center's (EPIC)** Open Government Project in Washington, D.C., 173 pages responsive to her request seeking documents concerning the development and deployment of body scanner (or Whole Body Imaging, Advanced Imaging Technology, Millimeter Wave or Backscatter) technology by law enforcement agencies in surface transit and in street roaming vans. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(4), and (b)(6).
- On February 22, 2011, U.S. Customs and Border Protection (CBP) issued to **Michael Ravnitzky**, a self-proclaimed journalist in Silver Spring, Maryland, a no records response to his request seeking information about the seizure of passport documents by CBP. (Case Number CBP FOIA #2011F02703).
- On February 24, 2011, the Department of Homeland Security (DHS), Office of Intelligence and Analysis (I&A), issued to **Jason Smathers**, a blogger for ***Witness Unto Me*** in Topock, Arizona, a no records determination in response to his request seeking copies of all regular

reports between January 1, 2010 and the date this request is processed which concern the DHS priority “threat of radicalization and extremism.

V. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of February 25 - March 3, 2011

Privacy Office

March 7, 2011

Weekly FOIA Report

- I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On March 1, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through February 23, 2011.
- II. **FOIA Requests**
- On March 3, 2011, **Anne L. Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** and **Damon Moglen**, Global Warming Campaign Director of **Greenpeace** in Washington, D.C., requested from the United States Coast Guard (USCG) the following records: 1) copies of all video feeds that capture in whole or in part any aspect of the British Petroleum (BP) Deepwater Horizon oil spill in the Gulf of Mexico (BP oil spill) including, but not limited to, the ongoing live video feed of the BP oil spill provided by BP, as referenced in Brian Ross, "BP Releases Oil Spill Video After Pressure From White House and Media" ABC News, May 12, 2010, available at <http://abcnews.go.com/Blotter/bp-releases-oil-spill-video-pressure-white-house/story?id=10629165>; and 2) all documents that mention, refer, or relate to National Oceanic and Atmospheric Administration (NOAA) communications concerning the use of dispersants in the course of any efforts to mitigate or clean up the BP oil spill, including, but not limited to, all internal NOAA communications as well as all communications to, by, or from NOAA to the Environmental Protection Agency (EPA), the Department of the Interior (DOI), BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP oil spill. (Case Number 2011FOIA1698).
 - On February 25, 2011, the Federal Emergency Management Agency (FEMA) referred to the Department of Homeland Security (DHS) and the United States Coast Guard (USCG) a request from **Bryant Adams**, an individual in Washington, D.C., seeking a log of correspondence between DHS and then Senator Barack Obama (D-IL). (Case Number DHS/OS/PRIV 11-0507 and 2011FOIA1638).
 - On February 28, 2011, **M.L. Elrick**, a reporter with the **Detroit Free Press** in Detroit, Michigan, requested from U.S. Immigration and Customs Enforcement (ICE) all material related to ICE's investigation of (b)(6) who was convicted of dealing ecstasy in the city of Detroit. (Case Number 2011FOIA6028).
 - On February 28, 2011, **Leon Howard**, staff attorney with the **American Civil Liberties Union (ACLU) of New Mexico** in Albuquerque, New

Mexico, requested from U.S. Customs and Border Protection (CBP) the following records: 1) all records related to El Paso Sector Border Patrol access to private lands within 25 miles of the U.S.-Mexico border, including but not limited to, policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 2) all records related to El Paso Sector Border Patrol stop, search and seizure authority within 25 miles of the U.S.-Mexico border, including but not limited to policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 3) all records related to El Paso Sector Border Patrol stop, search and seizure authority within 100 miles of the U.S.-Mexico border, including but not limited to, policy, procedures, directives, training materials, counsel legal updates, memoranda, information in the Border Patrol Handbook, etc.; 4) a copy of all critical incident reports created by officers assigned to the Deming and Lordsburg substations of the El Paso Sector Border Patrol from February 1, 2010 through February 1, 2011; 5) all records pertaining to inquiries, investigations and actions taken in response to the incident; 6) a copy of all records and reports from February 1, 2010 through February 1, 2011, related to incidents in which officers assigned to the Deming and Lordsburg Substations of the El Paso Border Patrol Sector drew or fired a weapon, utilized an electronic control device, or otherwise engaged in use of force or use of deadly force; 7) records pertaining to inquiries, investigations, and actions taken in response to the incident; 8) a copy of all citizen complaints filed against stationed at the Deming and Lordsburg substations of the El Paso Sector Border Patrol from February 1, 2010 through February 1, 2011; and 9) a copy of each citizen complaint to include all records pertaining to inquiries, investigations, and actions taken in response to the complaint. (Case Number CBP FOIA 2011F06775).

- On February 28, 2011, **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, requested from U.S. Customs and Border Protection (CBP) the contents of the “My Documents Folder” (or any other location used as the primary location to store electronic documents) of the Director of CBP FOIA Division’s workstation and laptop computer assigned to her. (Case number CBP FOIA 2011F06896).
- On March 1, 2011, **Jason Smathers**, a blogger with ***MuckRock.com*** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) the contents of the “My Documents Folder” (or any other location used as the primary location to store electronic documents) of the I&A FOIA Officer assigned workstation and laptop computer; note, the individual is no longer an employee at DHS. (Case number DHS/OS/PRIV 11-0509).
- On March 1, 2011, **Michael Wereschagin**, a reporter with ***Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, requested from the Department of Homeland Security (DHS), U.S. Customs and Border

Protection (CBP), Federal Emergency Management Agency (FEMA), Federal Law Enforcement Training Center (FLETC), U.S. Immigration and Customs Enforcement (ICE), Transportation Security Administration (TSA), United States Coast Guard (USCG), and US-VISIT copies of an accounting of legal expenses charged to the agency for services involving Congressional testimony, hearings, investigations and inquiries from 2000 to date. (Case Number DHS/OS/PRIV 11-0426, 11-335, 2011FOIA6030, and 11-1742).

- On March 2, 2011, **Mike Baker**, a reporter with *The Associated Press* in Raleigh, North Carolina, requested from U.S. Customs and Border Protection (CBP) the following records: 1) complete databases of CBP arrests, detentions and apprehensions, from January 1, 2000 to present, including but not limited to locations, names, dates and dispositions; and 2) complete databases of CBP's temporary checkpoints from January 1, 2000 to present, including but not limited to locations, dates of activity, arrests and detentions. (CBP FOIA 2011F06912).
- On March 3, 2011, **Kate Brumback**, a reporter with *The Associated Press* in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any communication on Secure Communities between ICE and the Gwinnett County Sheriff's Office in Georgia from the time the program was instituted there through the current date; 2) any internal ICE communications regarding the Secure Communities program in Gwinnett County; and 3) any communications or documents about failures, delays or problems of the Secure Communities program anywhere in the country from the time the program was first implemented to the present day. (Case Number 2011FOIA6153).
- On March 2, 2011, **Nafisha Ula**, a researcher with the **American Federation of Labor and Congress of Industrial Organizations** in Washington, D.C., requested from the Department of Homeland Security (DHS) documents regarding the administration of any contracts between DHS and T-Mobile USA, also known as T-Mobile. (Case Number DHS/OS/PRIV 11-0531).
- On March 3, 2011, **Karen Tumlin**, managing attorney with the **National Immigration Law Center** in Los Angeles, California, requested from U.S. Customs and Border Protection (CBP) the following records: 1) all records regarding border enforcement and persons encountered in the process of departing the United States; 2) aggregate statistical reports or data regarding information in cases of border enforcement involving a person encountered in the process of departing the U.S.; 3) records referring to how DHS and CBP decided to stop individuals who are in the process of voluntarily leaving the U.S., criteria used by CBP agents to decide who to stop at a crossing, and criteria used to decide which of those individuals to put through formal removal or charge with immigration violations; 4) records referring to arrest quotas, goals, and or targets to be fulfilled by CBP in its enforcement operations near or at the

U.S.-Mexico border from January 2010 until the present; 5) records describing the total number of persons stopped while voluntarily leaving the U.S. who were ordered removed under 8 U.S. § § 1225(b), 1228, 1229a(a), 1229a(d), 1229c, and 1231(a)(5) from January 2010 until the present; and 6) all records referring to circumstances where persons stopped and/or arrested while voluntarily trying to depart the U.S. were or would be subject to detention. (Case Number CBP FOIA 2011F06900).

- On March 3, 2011, **Chris Young**, a reporter with *Steel City Media* in Pittsburgh, Pennsylvania, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all the local law enforcement agencies that have a Memorandum of Agreement with ICE for the 287(g) program, as of March 1, 2011. (Case Number 2011FOIA6161)

Late Requests

- On February 18, 2011, **Bob Cusack**, Managing Editor with *The Hill* in Washington, D.C., requested from the Federal Emergency Management Agency (FEMA) and Federal Law Enforcement Training Center (FLETC) FOIA Logs from November 1, 2010 to the date of his request. (Case Number 11-337, 11-047).
- On February 23, 2011, **Randy Herrschaft**, a reporter with *The Associated Press* in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests and accompanying correspondence, processed from January 1, 2007 to the present by the Office of the Secretary of Homeland Security in which Michele Bachmann (R-MN-6), Bachmann & Associates Inc., Bachmann Clinic Property LLC, Minnesota Summit Project Inc. or Bachmann Farm Family Limited Partnership are the subject of the FOIA requests, or part of the subject of the FOIA requests. (Case Number DHS/OS/PRIV 11-0486).
- On February 23, 2011, **Amy Woodward**, an intern at **Independence Institute** in Golden, Colorado, requested from the Department of Homeland Security (DHS) copies of the 2009 inventory list of lost, damaged, or destroyed equipment and property for CBP. (Case Number DHS/OS/PRIV 11-0491).
- On February 24, 2011, the U.S. Department of Commerce referred to the Department of Homeland Security (DHS) documents responsive to a request from **Russell Carollo**, a Pulitzer Prize winning Journalist in Pueblo, Colorado, seeking copies of all records related in any way to Federal Information Security Management Act (FISMA) compliance (including applications) by Google and/or Microsoft. (Case Number DHS/OS/PRIV 11-0505).
- On February 23, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Dorelien Audrey**, a doctoral student at **Princeton University** in Princeton, New Jersey, seeking records of countries that

have made official requests for Temporary Protection Status (TPS) as a result of a natural disaster. (Case Number DHS/OS/PRIV 11-0510).

- On February 24, 2011, the Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Christopher Farrell**, Director of Investigations with **Judicial Watch** in Washington, D.C., seeking the following records: 1) the recommendation or decision not to prohibit or otherwise take action to prevent the acquisition of Peninsular and Oriental Steam Navigation Company ("P&O") by Dubai Ports World ("DPW") of Dubai, United Arab Emirates; 2) contracts obtained by DPW through its acquisition of P&O to manage seaport or terminal facilities in the following major U.S. cities: New York, Newark, Philadelphia, Baltimore, Miami, and New Orleans.; 3) any conditions or requirements requested or imposed by the United States Government from P&O or DPW regarding DPW's acquisition of P&O; 4) any and all assurances requested, negotiated, or obtained by the United States Government from P&O or DPW regarding DPW's acquisition of P&O, including but not limited to the assurances letter finalized on January 6, 2006; 5) DPW's management of seaport or terminal facilities in Beaumont, Texas; 6) DPW's management or operation of seaport or terminal facilities in Corpus Christi, Texas; and 7) DPW's management or operation of any and all other seaport or terminal facilities in the United States, including but not limited to seaport or terminal facilities utilized by United States military or the United States Department of Defense. (Case Number DHS/OS/PRIV 11-0506).
- On February 24, 2011, **Lisa Lerer** a reporter with **Bloomberg Media** in New York, New York, requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) materials related to the contingency plan in the event of a government shutdown. (Case Number 11-73).

III. FOIA Appeals

- On February 17, 2011, **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union (ACLU) of Northern California** and **Tim Redmond**, Executive Editor of the **San Francisco Bay Guardian**, in San Francisco, California, appealed the response from U.S. Customs and Border Protection (CBP) denying their request for expedited processing and a fee waiver related to their FOIA request seeking documents pertaining to the acquisition of controlled substances by state officials for the purposes of carrying out executions of condemned prisoners by lethal injection.
- On February 18, 2011, **Michael Ravnitzky**, a self-proclaimed journalist in Silver Spring, Maryland, appealed the no records response from U.S. Customs and Border Protection (CBP) to his request seeking information about the alleged seizure of passports by CBP that resulted in travel delays for seventeen "Mecca-bound Northern Virginian Muslims."

- On February 22, 2011, **Emily Willard**, a Research Associate with the **National Security Archives**, appealed the response from U.S. Customs and Border Protection (CBP) denying her request for a fee waiver related to her request for records relating to “the alleged involvement of U.S. gun dealers illicitly trading weapons to Mexican cartels.”

IV. FOIA Releases

- On February 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 81 pages pertaining to their request seeking copies of all records relate to Dr. Schriro’s October 6, 2009 report entitled “Immigration Detention Overview and Recommendations.” Portions of this response were withheld pursuant to FOIA Exemption (b)(5).
- On February 28, 2011, United States Citizenship and Immigration Services (USCIS) released to **Robert Deasy**, with the **American Immigrations Lawyers Association (AILA)**, in Washington, D.C., 851 pages pertaining to their request seeking copies of all guidance, instructions, training manuals, memoranda, standard operating procedures used for making FOIA redactions. Portions of this response were withheld pursuant to FOIA Exemptions (b)(2), (b)(3), (b)(4), (b)(6) and (b)(7)(E).
- On February 28, 2011, the United States Coast Guard (USCG) released to **Jeff Hampton** with *The Virginian-Pilot* in Elizabeth City, North Carolina, 35 pages pertaining to their request seeking records relating to the March 3, 2010 helicopter crash in Utah. These records were released in full.
- On March 1, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Alison Parker**, the Director of **Human Rights Watch** in Washington, D.C., one Microsoft Excel spreadsheet pertaining to their request seeking an updated data extract containing information on persons detained by ICE between June 30, 2010 and December 31, 2010. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 2, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, D.C., one Microsoft Excel spreadsheet pertaining to their request seeking copies of data utilized to create the table “Leading Crime Categories of Criminal Aliens Removed Fiscal Year 2009” within the report “Immigrant Enforcement Actions 2009.” Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 2, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Ginger McCall**, the Assistant Director of the **Electronic Privacy Information Center (EPIC)** in Washington, D.C., a no records determination in response to her request seeking copies of all communications or agreements between the U.S. Government and corporations (including but not limited to: Paypal, Visa, and Mastercard)

regarding (1) the personal information of donors to Wikileaks, and (2) the personal information (including but not limited to the identities) of individuals who accessed or attempted to access the Wikileaks web site or the November release. ICE conducted a search of the ICE Office of Homeland Security Investigations, the ICE Office of the Principal Legal Advisor, and the ICE Office of Professional Responsibility.

- On March 3, 2011, the United States Coast Guard (USCG) released to **David Fallis**, a reporter with the *Washington Post* in Washington, D.C., documents relating to their request seeking copies of the database and/or tables known as Merchant Vessels of the United States. These records were released in full.
- On March 3, 2011, the United States Coast Guard (USCG) released to **Scott Taylor**, a reporter with *19 Action News* in Cleveland, Ohio, documents relating to their request seeking a copy of the USCG Hearing Office letter to (b)(6) or his lawyer regarding the final decision on his citation of (b)(6). Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7). (Case Number 2011FOIA1383).

V. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. U.S. Immigration and Customs Enforcement (ICE), et al.* (S.D.N.Y. 10-3488), (Secure Communities), On February 25, 2011, ICE released 2,013 pages of records responsive to the Plaintiff's Rapid Production List. Portions of those pages were withheld pursuant to Exemptions (b)(2)(high), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). ICE is currently working on a supplemental declaration in support of our Motion to Stay the Court's February 15, 2011 Order requiring ICE to include certain categories of metadata for all releases. The hearing on ICE's motion for a stay of the February 7, 2011 Order requiring the production of metadata previously scheduled for March 11, 2011 has been rescheduled for Friday, March 25, 2011. ICE intends to file a supplemental declaration before March 23, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of March 4 - 10, 2011

Privacy Office

March 14, 2011

Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On March 8, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that its Ho Chi Minh City Field Office in Vietnam will close permanently on March 31, 2011. Applications and petitions previously accepted by that office may be filed with the U.S. Department of State Consular Section there. Where authorized, the Consular Section will assume responsibility for processing certain cases; other applications and petitions will be sent to the USCIS Field Office in Bangkok, Thailand.
 - On March 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the interim policy memorandum "Extension of Status for T and U Nonimmigrants; Revisions to *Adjudicator's Field Manual (AFM)* Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (*AFM* Update AD11-22)" to its public website for customer review and comment. This policy memorandum provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status. The period for comment closes March 22, 2011.
- II. FOIA Requests**
- On March 4, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b)(6) an individual in Lorton, Virginia, seeking records contained in FBI files and databases. (Case Number DHS/OS/PRIV 11-0549).
 - On March 4, 2011, the Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from (b)(6), an individual in Youngstown, Ohio, seeking records contained in every system of records, to include: CS-.021; CS-.043; CS-.053; CS-.058, CS-.125; CS-.127;.CS-.129; CS-.133; CS-.156; CS-.212; CS-.224; C8-.244; CS-.258). (Case Number DHS/OS/PRIV 11-0550).
 - On March 4, 2011, **Nate Anderson**, Senior Editor with the *Ars Technica* in Wheaton, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) all information related to ICE's "Operation: In our Sites," which targets Internet websites accused of violating United States copyright and trademark law. (Case Number 2011FOIA6261).
 - On March 7, 2011, **Brenna L. Angel**, a News Reporter with *WUKY 91.3 FM* in Lexington, Kentucky, requested from the United States Coast Guard (USCG) documents containing the following information from the

USCG Decedent Affairs: 1) policy guidelines for processing/reimbursing funeral and cemetery claims of active duty personnel; 2) the number of funeral and cemetery claims for active duty personnel processed in 2010; 3) the expense allowances for funeral and cemetery costs of active duty personnel; and 4) the length of time (number of days) to settle/reimburse each funeral and cemetery claim for active duty personnel in 2010. (Case Number 2011FOIA1734).

- On March 7, 2011, Senator **Tom Coburn (R-OK)** in Washington, D.C., requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) the following records: 1) any department management procedures or handbooks governing the administration and tracking of non-expendable personal property and equipment, as well as any related procedural flow charts if available; 2) an inventory, which includes for each item the original purchase price, of department non-expendable personal property that: a. remained unaccounted for at the conclusion of fiscal years 2006 through 2010; and b. is currently outstanding; and 3) any audit conducted for or by the Department regarding lost non-expendable personal property and equipment completed within the past five years. (Case Number 11-81).
- On March 7, 2011, **Tara Menendez**, a representative of **WOFL Fox News Corporation** in Lake Mary, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) a list of names of illegal immigrants in Florida who have been ordered deported but were not because they reached their six months under *Zadvydas v. Davis*. (Case Number 2011FOIA6363).
- On March 8, 2011, **Keith Bembenek**, a reporter with **KVOA TV Ch 4** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the investigative report, 911 calls and any other documents, video, audio and evidence on the death of CBP Agent Brian Terry killing in the line of duty on December 15, 2010. (Case Number CBP FOIA # 2011F07306).
- On March 8, 2011, **Trent Daugherty**, Esq., Director of Legal Affairs with the **Ohio Environmental Council** in Columbus, Ohio, requested from the Federal Emergency Management Agency (FEMA) copies of documents generated by FEMA for determining changes to flood maps for Portage Township, Ohio. (Case Number 11-351).
- On March 8, 2011, the United States Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request made under the Canadian Access to Information Act. (Case Number DHS/OS/PRIV 11-0561).
- On March 8, 2011, the United States Department of State (DOS) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Ambassador Antonio O. Garza** in Austin, Texas, seeking weekly and monthly reports and summaries from sections in the Mexico City Embassy and cables sent from Mexico City in the years 2002 - 2009. (Case Number DHS/OS/PRIV 11-0566).

- On March 8, 2011, the U.S. Department of Justice (DOJ) referred to the Department of Homeland Security (DHS) documents responsive to a request from **James Klotz**, an individual in Mountainlake Terrace, Washington, seeking records relating to records regarding FBI's involvement with investigations prompted by the 2004 discovery of a computer disk in Iraq containing photos of schools in about a half-dozen U.S. states, including New Jersey, Florida and California, and diagrams and emergency information for the school districts. (Case Number DHS/OS/PRIV 11-0567).
- On March 10, 2011, **Stokely Baksh**, a Producer with **Deportation Nation** in Baltimore, Maryland, requested from U.S. Immigration and Customs Enforcement (ICE) records that ICE released to the plaintiffs in the Secure Communities FOIA litigation stemming from 2010FOIA2674: the National Day Laborer Organizing Network, the Center for Constitutional Rights, and the Immigration Justice Clinic of the Benjamin N. Cardozo School of Law. (Case Number 2011FOIA6524).
- On March 10, 2011, **Matthew Huisman**, a reporter with the Washington, D.C. bureau of the ***Dallas Morning News*** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) a list of Texas employers who were issued a notice of inspection regarding employment records and that were fined as a result of their employment records. (Case Number 2011FOIA6562).

Late Requests

- On March 3, 2011, **Randy Herschaft**, a reporter with **The Associated Press** in New York, New York, requested from the Department of Homeland Security (DHS) copies dating from January 1, 2006 to present of correspondence between the Office of the Secretary of Homeland Security (including all agency components) and the office of U.S. Rep. Michele Bachmann(R-MN); 1) Bachmann & Associates Inc.; 2) Bachmann Clinic Property LLC; 3) Minnesota Summit Project Inc.; 4) Bachmann Farm Family Limited Partnership; and or 5) Michele Bachmann. (Case Number DHS/OS/PRIV 11-0551).
- On March 3, 2011, **Karen Tumlin**, Managing Attorney with the **National Immigration Law Center** in Los Angeles, California requested from the Department of Homeland Security (DHS) all records regarding border enforcement and persons encountered in the process of departing the United States, including records related to: 1) detection, stop, arrest, and/or removal of individuals encountered in the process of approaching or crossing the border into Mexico from the U.S., Agreements, correspondence, and communications within and among U.S. Customs and Border Protection (CBP), DHS, any of their agents, agencies, sub-agencies, or offices, including but not limited to United States Attorney's Offices regarding the entry of removal orders, voluntary departure in lieu of removal, reinstatement of removal, expedited removal, or stipulated

orders of removal for individuals encountered while in the process of departing the U.S. for Mexico; 2) agreements, correspondence, and communications within and among CBP, the DHS, any of their agents, agencies, sub-agencies, or offices, including but not limited to United States Attorney's Offices regarding the entry of removal orders, voluntary departure in lieu of removal, reinstatement of removal, expedited removal, or stipulated orders of removal for individuals encountered while in the process of departing the U.S. for Mexico; 3) records containing, describing, pertaining to, or referring to how DHS and/or CBP decided to stop individuals who are in the process of voluntarily leaving the U.S., criteria used by CBP agents to decide who to stop at a crossing, and criteria used to decide which of those individuals to put through formal removal or charge with immigration violations; 4) records containing, describing, pertaining to, or referring to arrest quotas, goals, and/or targets to be fulfilled by CBP in its enforcement operations near or at the U.S.-Mexico border from January 2010 until the present, including but not limited to who issued such policies, what the policies say, how the policies were communicated; any consequences for failure to meet articulated quotas or goals or targets, including personnel records; and why the policies were adopted; 5) records containing, describing, pertaining to, or referring to the total number of persons stopped while voluntarily leaving the U.S. who were ordered removed under 8 U.S.C. §§ 1225(b), 1228, 1229a(a), 1229a(d), 1229c, and 1231(a)(5) from January 2010 until the present; and 6) records containing, describing, pertaining to, or referring to circumstances where persons stopped and/or arrested while voluntarily trying to depart the U.S. were or would be subject to detention. (Case Number DHS/OS/PRIV 11-0539).

III. FOIA Appeals

- On March 9, 2011, U.S. Customs and Border Protection (CBP) granted to **Emily Willard**, a Research Associate with the **National Security Archive** in Washington, D.C., news media status regarding their FOIA appeal seeking records relating to "the alleged involvement of U.S. gun dealers illicitly trading weapons to Mexican cartels."
- On March 8, 2011, U.S. Customs and Border Protection (CBP) released to **Gregory Korte**, a staff writer with **USA TODAY** in Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP), which partially denied his request for records concerning a Recovery Act contract with Eyak Technology LLC. Mr. Korte contested the use of Exemption (b)(4) and alleged that the responsive records did not include information regarding the contract's scope or specifications. CBP will re-release twelve (12) pages of materials consisting of invoices, transmittal cover sheets, and material inspection and receiving reports. The release will include additional information that was previously withheld. Portions of this response are withheld pursuant to FOIA exemptions (b)(4) and (b)(6).

IV. FOIA Releases

- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **David Blair-Joy**, the Legal Director of the **American Civil Liberties Union (ACLU) of San Diego and Imperial Counties** in San Diego, California, one Excel spreadsheet and 22 pages responsive to their request seeking copies of correspondence, contracts, and policies concerning cooperation between the Escondido Police Department and ICE as well as information regarding the 193 arrests that resulted from this cooperation. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA1976).
- On March 4, 2011, the United States Coast Guard (USCG) released to **Adam Linhardt**, a Police/Courts/Military reporter with ***Citizen Newspaper*** in Key West, Florida, 172 pages consisting of the incident report, passenger lists, memos, emails, medical records, certificates, charts, and a crew handbook. These records were released in full.
- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tara McLaughlin**, a reporter with the ***Naples Daily News*** in Naples, Florida, 4 pages responsive to their request seeking copies of complaints filed against the Collier County Sheriff's Office in association with the 287(g) program. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 4, 2010, U.S. Immigration and Customs Enforcement (ICE) released to **Judy Rabinovitz**, an attorney with the **American Civil Liberties Union (ACLU) Immigrants' Rights Project** in New York, New York, six Microsoft Excel spreadsheets and 57 pages of documents that originated from Enforcement and Removal Operations (ERO) and Office of the Principal Legal Advisor (OPLA) pertaining to their request for information pertaining to the Post-Order Custody Review Process. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6) and (b)(7)(C). (Case Number 2011FOIA0003).
- On March 4, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Meg Stalcup**, a freelance reporter with the ***Washington Monthly*** in Seattle, Washington, a no records response pertaining to their request seeking copies of records pertaining to Federal Law Enforcement Training Center (FLETC) training materials, as well as records concerning the EEOC complaint of (b)(6) (Case Number 2011FOIA4621).
- On March 7, 2010, the Department of Homeland Security (DHS) released to **Scott MacFarlane**, a reporter with **Cox TV** in Washington, D.C., 15 pages of records responsive to their request seeking copies of correspondence to and from the Secretary of Homeland Security Janet Napolitano for the DHS Executive Secretariat (ESEC) tracking numbers 10-1312, 09-0829, 09-0080, 09-0804, 09-0649. These records were released in full.

- On March 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Kevin Wisniewski**, a producer with **WTVF News Channel 5** in Nashville, Tennessee, 35 pages responsive to his request seeking records regarding Barrett Enterprises, LP., Barrett Ammo, LLC., Barret Firearms Manufacturing, Barrett Firearms USA, and the weapons made by these companies. Portions of these records have been withheld pursuant to FOIA Exemptions (b)(2)(high), (b)(6) and (b)(7)(C). (Case Number 2011FOIA4210).
- On March 8, 2011, the Office of Inspector General (OIG) released to **David Shapiro**, staff attorney with the **American Civil Liberties Union's (ACLU) National Prison Project** in Washington, D.C., 92 pages responsive to their request seeking records concerning sexual abuse of detainees in the custody of U.S. Immigration and Customs Enforcement (ICE) from January 1, 2007, to the present. Portions of this response are withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(A), and (b)(7)(C).
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Christine Haas**, a reporter from **KHOU Television** in Houston, Texas, 1 page responsive to their request seeking records relating to the provision of hormone replacement medications to transgendered detainees nationally and in the State of Texas. These records were released in full.
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Aaron Montoya**, a reporter with **The Ridgway Sun** in Ridgway, Colorado, one Excel spreadsheet and 79 pages responsive to their request seeking the number of individuals referred to ICE from the Montrose County Jail from fiscal years 2005 to 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 10, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stefan Kamph**, a reporter with the **New Times Broward-Palm Beach** in Fort Lauderdale, Florida, 2 pages responsive to their request seeking information concerning individuals arrested during a Fugitive Operations enforcement action that occurred in Broward and Palm Beach Counties between December 6 – 10, 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6).
- On March 14, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stefan Kamph**, a reporter with the **New Times Broward-Palm Beach** in Fort Lauderdale, Florida, 2 pages responsive to their request seeking individuals arrested during a Fugitive Operations enforcement action that occurred in Broward and Palm Beach Counties between December 6 – 10, 2010. Portions of these records have been withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA4451).

V. Lawsuits

- In the matter of Marcos Olivas Castillo vs. U.S. Department of Homeland Security, et al., (USDC NM 11-cv-069-LFG-RHS), Plaintiff filed a complaint January 20, 2011, claiming constructive denial pertaining to their request for records relating to investigative reports.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of March 11 – 17, 2011

Privacy Office

March 21, 2011

Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 8, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that some existing Salvadoran Temporary Protected Status (TPS) beneficiaries would receive interim Employment Authorization Documents (EADs) during the continued processing of their re-registration applications. USCIS mailed approximately 4,500 EADs, to be delivered no later than March 9, 2011, to Salvadorans who have not yet received a final action on their re-registration applications. Issuance of the interim EADs will allow TPS beneficiaries to continue working while USCIS completes the processing of their re-registration applications.
- On March 8, 2011, United States Citizenship and Immigration Services (USCIS) posted the Policy Memorandum entitled “Extension of Status for T and U Nonimmigrants; Revisions to *Adjudicator’s Field Manual (AFM)* Chapter 39.1(g)(3) and Chapter 39.2(g)(3) (*AFM* Update AD11-22)” on its website for public feedback. This Policy Memorandum provides guidance about extensions of status for T and U nonimmigrants, including any related applications for adjustment of status. Stakeholders have until March 22, 2011, to provide their comments.
- On March 11, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that, as part of the Department of Homeland Security’s (DHS) Blue Campaign to combat human trafficking, it will permit victims of human trafficking sexual exploitation, and persons who held A-3 and G-5 visas and have filed civil action against their employer, remain and work legally in the United States while their civil cases are pending. In compliance with the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008, USCIS will add this small population to the existing list of groups eligible for deferred action on a case-by-case basis to allow A-3 or G-5 nonimmigrants to resolve pending litigation they have filed regarding a violation of the terms of their employment contract or conditions related to human trafficking and similar violations.
- On March 11, 2011, U.S. Immigration and Customs Enforcement (ICE) added a new category called Secure Communities Statistics to the ICE FOIA Reading Room. This category now contains Secure Communities Nationwide Interoperability statistics for Fiscal Year (FY) 2009, FY 2010, and year-to-date statistics for FY 2011.

II. FOIA Requests

- On March 11, 2011, **Mat Garcia**, a reporter with **KOCO Eyewitness News 5** in Oklahoma City, Oklahoma, requested from U.S. Immigration and Customs Enforcement (ICE) records pertaining to any action by ICE officials at the Devon Tower project in Oklahoma City. (Case Number 2011FOIA6628).
- On March 14, 2011, **Mike McGraw**, a reporter with the **Kansas City Star** in Kansas City, Missouri, requested from the Office of Inspector General (OIG) any correspondence or emails to OIG in response to the OIG Report OIG-11-13 entitled "Review of the National Bio and Agro-Defense Facility Site Selection Process" (Case Number OIG FOIA#2011-083).
- On March 14, 2011, **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews, and detention standards reviews of the Atlanta City Detention Center, North Georgia Detention Center and Stewart Detention Center in Georgia; and 2) any and all plans of action and responses to any and all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews and detention standards reviews of the Atlanta City Detention Center, North Georgia Center and Stewart Detention Center. (Case Number 2011FOIA6689).
- On March 14, 2011, **Aliya Sternstein**, a reporter with the **Government Executive** in Washington, D.C., requested from the Office of Inspector General (OIG) any reports of investigation, notes, or interviews conducted by the OIG concerning the mishandling of USCIS applicant, petitioner, or beneficiary information (Case Number OIG FOIA#2011-084).
- On March 14, 2011, **Tisha Thompson**, a journalist with **WTTG-TV Fox 5** in Washington, D.C., requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) copies of receipts and expenditures on office equipment, furniture and miscellaneous items with a purchase price exceeding \$2,000.00, for use at the DHS, Nebraska Avenue Complex in Washington, D.C. from January 1, 2008 until the present day. (Case Number 11-86).
- On March 15, 2011, **Eric Tucker**, a reporter with **The Associated Press** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the names of the 20,000 people ICE reported that have been arrested since 2005 as part of Operation Community Shield; 2) a list of the charges faced by each of the 20,000 people arrested since 2005 under Operation Community Shield, including a breakdown of how many face criminal charges and how many face administrative/immigration violations; 3) a breakdown of how many of the 20,000 arrested under Operation Community Shield are U.S. citizens, how many are illegal immigrants and how many are foreign

nationals; and 4) information about how much funding ICE has allotted to Operation Community Shield in the current year and in the previous two fiscal years. (Case Number 2011FOIA6707).

- On March 16, 2011, **Andrew Becker** with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all emails sent between Dora Schriro and the Office of the Secretary, Department of Homeland Security (DHS) and/or Janet Napolitano between September 1, 2009 and October 6, 2009; and 2) all emails between John Morton, Dora Schriro and Beth Gibson between August 5, 2009 and October 6, 2009. (Case Number 2011FOIA6709)
- On March 16, 2011, **Bob Cusack**, a reporter with *The Hill* in Washington, D.C., requested from the Office of Inspector General (OIG) FOIA logs from November 1, 2010 through the date of the request. (Case Number OIG FOIA#2011-088).
- On March 16, 2011, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a complete set of documentation on the General Counsel Electronic Management System (GEMS). (Case Number 2011FOIA6713).
- On March 16, 2011, **Susan Long**, co-director of **Transactional Records Access Clearinghouse (TRAC)** requested from U.S. Immigration and Customs Enforcement (ICE) all records regarding the ICE FOIA Tracking System. (Case Number 2011FOIA6719).
- On March 17, 2011, **Tia Ghose**, a reporter with the **Center for Investigative Reporting** in Washington, D.C., requested from U.S. Customs and Border Protection (CBP) the following records regarding the Secure Electronic Network for Travelers Rapid Inspection (SENTRI) program who have had their passes revoked for any violations since 2005: 1) the specific violation for which the SENTRI pass was revoked; 2) the volume and type of unlawful substance imported, if applicable; 3) the date the member's pass was issued; 4) the date the member's pass was revoked; 5) whether the case was forwarded for prosecution; 6) the port-of-entry at which the pass was issued; and 7) the port-of-entry at which the pass was revoked. (Case Number CBP FOIA #2011F08038)
- On March 17, 2011, **Matthew Kownacki**, a representative with **Judicial Watch** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) all records regarding "The Upper crust Pizzeria" chain. (Case Number 2011FOIA6728).

Late Requests

- On February 8, 2011, **Pamela Barnett**, an individual from Sacramento, California, requested from United States Citizenship and Immigration Services (USCIS) copies of all documents relating to the entries and exits from the United States of Barack Hussein Obama, Senior, from August 1959 to November 1982. (Case Number NRC2011027655).

- On March 4, 2011, **Judy Rakowsky**, a freelance journalist working for **Sally H. Jacobs**, a staff writer with the ***Boston Globe***, in Belmont, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) copies of all documents relating to the entries and exits from the United States of Barack Hussein Obama, Senior, from August 1959 to November 1982. (Case Number HQS2011000021).
- On February 23, 2011, **Gregory Korte**, a reporter with ***USA Today***, in Washington, D.C, requested from the Department of Homeland Security (DHS) Management Directorate (MGMT) any DHS contingency plans, guidance, reports, or correspondence with the Office of Management and Budget regarding preparations for a government shutdown in the absence of an appropriation or continuing resolution. (Case Number 11-0544).
- On March 2, 2011, **Michael Wereschagin**, a journalist with ***Pittsburgh Tribune-Review*** in Pittsburgh, Pennsylvania, requested from the United States Coast Guard (USCG) copies of any accounting of legal expenses charged to the agency for services involving Congressional testimony, hearings, investigations and inquiries from 2000 through the day the USCG compiled these records. (Case Number 2011FOIA1689).
- On March 9, 2011, U.S. Customs and Border Protection (CBP) referred to Federal Law Enforcement Training Center a request from **Emily P. Carey**, program coordinator with the **American Civil Liberties Union (ACLU) of New Mexico Regional Center for Border Rights** in Las Cruces, New Mexico, seeking copies of: 1) all training materials pertaining to use of force and use of deadly force utilized in the last five years; and 2) all records pertaining to the use of tasers and/or other electronic control devices (ECD) including training materials, guidelines, certification requirements, memoranda and other such documents setting forth policy and practice as issued by the Office of Training and Development, the Use of Force Policy Division, the Office of Field Operations or other entity responsible for developing such materials. (Case Number FOIA 11-053).
- On March 9, 2011, **Damien Cave**, correspondent, Mexico, Central America and the Caribbean with ***The New York Times*** in Mexico City, Mexico, requested from the Department of Homeland Security (DHS) copies of the following records: 1) all documents, including but not limited to budget documents, that outline the number of DHS employees posted to Mexico, in 2008, 2009, 2010 and currently; 2) all Interagency Agreements for 2008, 2009, 2010 and 2011 between DHS or its components and their Mexican counterparts or any arm of the Mexican government; 3) the 2008, 2009, 2010 and 2011 Letters of Agreement and Letters of Offer and Acceptance between American and Mexican officials. (Case Number DHS/OS/PRIV 11-0544).

III. FOIA Appeals

- On March 14, 2011, **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association (AILA)** in

Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP) denying his requests for fee waiver and news media status related to his request for documents pertaining to circumstances when CBP will send a L-1 petition to U.S. Citizenship and Immigration Services instead of allowing withdrawal of the application for admission at the port of entry.

- On March 8, 2011, U.S. Customs and Border Protection (CBP) re-released twelve (12) pages of materials consisting of invoices, transmittal cover sheets, and material inspection and receiving reports. The release included additional information that was previously withheld. Portions of this response are withheld pursuant to FOIA exemptions (b)(4) and (b)(6).

IV. FOIA Releases

- On March 15, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Lee Wang**, a student at the **U.C. Berkeley Graduate School of Journalism** in Berkeley, California, one spreadsheet responsive to his request seeking 22 categories of information regarding individuals detained by ICE at facilities in the State of Louisiana from 2005 to the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C).
- On March 17, 2011, U.S. Customs and Border Protection (CBP) issued to **Keith Bembenek**, a reporter with **KVOA TV Ch 4** in Tucson, Arizona, a full denial pertaining to his request for the investigative report, 911 calls and any other documents, video, audio and evidence – on the death of CBP Agent Brian Terry in the line of duty on December 15, 2010. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number CBP FOIA # 2011F07306).
- On March 16, 2011, U.S. Immigration and Customs Enforcement released to **Carly Stadum**, with the **Georgetown University Law Center** in Washington, D.C., requested from U.S. Immigration and Customs Enforcement (ICE) 99 pages of records relating to their request seeking records related to procedures and policies for removing deportees with mental disabilities from the air transportation unit to foreign government officials upon arrival. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA1793).

V. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), (Secure Communities Case): Plaintiffs filed a complaint April 27, 2010 claiming constructive denial with regard to ICE FOIA 10-2674, improperly denied their fee waiver and request for expedited processing. The ICE FOIA Office and OPLA met with the AUSA and representatives from the ERO Statistical Tracking Unit, the Secure Communities program office, and the Criminal

Alien Program (CAP) on March 17, 2011, to discuss a proposal from the plaintiffs for ICE to produce approximately 40 fields of data on a sampling of 3,300 individuals identified through either the CAP and Secure Communities. This was done in advance of a hearing before the Court scheduled for March 25, 2011 on this proposal.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of March 18 - 24, 2011

Privacy Office

March 28, 2011

Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 11, 2011, The U.S. Secret Service (USSS) posted to its public website the following records: 1) USSS command post radio traffic from March 30, 1981, mp3 format; 2) USSS command post radio traffic from March 30, 1981, transcript; 3) Former President Reagan's assassination attempt interview records.
- On March 16, 2011, United States Citizenship and Immigration Services (USCIS) announced on its website that in response to recent stakeholder feedback, it is currently reviewing its policy on H-1B cap exemptions for non-profit entities that are related to or affiliated with an institution of higher education. This announcement also included information on interim procedures, suggestions, and advice for petitioners.
- On March 17, 2011, United States Citizenship and Immigration Services (USCIS) posted a reminder on its public website that temporary relief measures are available to eligible Japanese nationals. This announcement also included information about the available temporary relief measures and where more information could be found.
- On March 17, 2011, United States Citizenship and Immigration Services (USCIS) posted the draft memorandum entitled "Delegation of Appellate Jurisdiction with Respect to Certain Forms I-360 Filed by Afghan or Iraqi Nationals; Revisions to *Adjudicator's Field Manual (AFM)* Chapter 22.3 (*AFM* Update AD 10-40)" to its website for stakeholder and public review and comments. This Policy Memorandum describes closing actions to be taken when adjudicating Form I-360, *Petition for Amerasian, Widow(er), or Special Immigrant*, filed by certain Afghan or Iraqi nationals who worked for or on behalf of the U.S. Government. It also discusses jurisdiction over appeals and certifications relating to decisions on those petitions. The period for comments closes on March 31, 2011.
- On March 18, 2011, United States Citizenship and Immigration Services (USCIS) posted on its public website that it will start accepting H-1B petitions subject to the fiscal year (FY) 2012 cap on April 1, 2011. Cases will be considered accepted on the date United States Citizenship and Immigration Service (USCIS) receives a properly filed petition for which the correct fee has been submitted, not the date that the petition is postmarked. The cap (the numerical limit on H-1B petitions) for FY 2012 is 65,000.
- On March 18, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room the 167-page final action memorandum on the

Incident Specific Preparedness Review (ISPR) of the Deepwater Horizon oil spill.

- On March 18, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room the one page final decision letter on the capsizing of the CGC SENECA class "B" mishap on January 13, 2009.
- On March 21, 2011, Secretary of Homeland Security Janet Napolitano and U.S. Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas announced the launch of E-Verify Self Check—an innovative service that allows individuals in the United States to check their own employment eligibility status before formally seeking employment. The E-Verify Self Check service is available to users who maintain an address and are physically located in Arizona, Idaho, Colorado, Mississippi, Virginia, or the District of Columbia. In the coming months, USCIS will continue to expand the E-Verify Self Check service to additional eligible users on a rolling basis. A transcript of the launch event was also posted to the United States Citizenship and Immigration Service (USCIS) website on March 22, 2011.
- On March 23, 2011, U.S. Immigration and Customs Enforcement (ICE) posted to its FOIA Electronic Reading Room a list of all detainee deaths from October 2003 through March 23, 2011.
- On March 23, 2011, the U.S. Coast Guard (USCG) posted to its FOIA Electronic Reading Room 2,529 pages of documents used to respond to FOIA requests concerning the Deepwater Horizon oil spill in the electronic Reading Room.

II. FOIA Requests

- On March 18, 2011, **Lynda Lohr**, a reporter with the *St. John Source Newspaper* in St. John, U.S. Virgin Islands, requested from the United States Coast Guard (USCG) information on two marine accidents: the WESTIN BREEZE, which went on a reef off St. John on December 17, 2010, and the barge GENERAL II that had a similar accident on December 5, 2010. (Case Number 2011FOIA1897).
- On March 21, 2011, **Lee Ferran**, a representative of **ABC News National**, New York, New York, requested from the Federal Emergency Management Agency (FEMA) the following records: 1) any maps and/or pictorial representations of the Plume Exposure Pathway, as must be filed to FEMA by the U.S. nuclear plants at Indian Point (in Buchanan, NY), San Onofre (in San Clemente, CA), Limerick (in Limerick, PA), Desden (in Morris, IL), and Diable Canyon (in Avila Beach, CA); 2) any maps and/or pictorial representations of evacuation routes for the effected population surrounding those plants; 3) any map and/or graphical representation of the location and size of population possibly affected by a nuclear event at those plants. (Case Number 11-384)
- On March 21, 2011, **Bob McCabe**, a staff writer with *The Virginian-Pilot* in Norfolk, Virginia, requested from the United States Coast Guard (USCG) all CG-2692 or other accident reports, survey reports, damage

estimates, license proceedings, investigation materials, photographs, logbooks, statements, notes, meeting minutes, invoices, correspondence (electronic or otherwise), documents, conclusions and reports with regard to a collision between Zhen Hua and APM crane on February 14, 2011.. (Case Number 2011FOIA1907).

- On March 21, 2011, **Aliya Sternstein**, Senior Correspondent with **Government Executive** in Washington, D.C., requested from the Department of Homeland Security (DHS) any DHS Serious Incident Reports (SIR) regarding the spill, mishandling, or the violation of IT rules, regulation, or laws that involve USCIS applicant, petitioner, or beneficiary information since January 1, 2008. (Case Number DHS/OS/PRIV 11-0602).
- On March 22, 2011, **Lori Jane Gliha**, an Investigative Reporter with **ABC15 News KNXV-TV** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) records pertaining to an Arizona Border Patrol incident in May 2010, in which Arizona Border Patrol Agents outside of Tucson encountered a group of armed bandits and recovered a firearm at the scene. (Case Number FOIA 2011F08268).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all letters, email messages or records of telephone contacts between the office of U.S., Representative Sue Myrick (R-NC-09) and DHS officials in 2009, 2010, or 2011 regarding the city of Charlotte, Muslim-Americans, or the Council on American-Islamic Relations (CAIR). (Case Number DHS/OS/PRIV 11-0608).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) records of telephone contacts between the office of U.S. Representative Michael Turner (R-OH-3) and DHS officials in 2009, 2010, or 2011 regarding the city of Dayton or Wright Patterson Air Force Base. (Case Number DHS/OS/PRIV 11-0610).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) a list of websites that are blocked or prohibited for employee viewing by DHS employees and employees of any DHS agency. (Case Number DHS/OS/PRIV 11-0611).
- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) any emergency evacuation plans held by DHS for any Ohio or West Virginia prison, in the case of a civil emergency or natural disaster or nuclear power plant accident. (Case Number DHS/OS/PRIV 11-0612).
- On March 23, 2011 **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all ethics waivers and recusal agreements/paperwork issued by DHS from January 19, 2009 through the date of this request. (Case Number DHS/OS/PRIV 11-0613).

- On March 23, 2011, **Scott MacFarlane**, with **COX TV** in Washington, D.C., requested from the Department of Homeland Security (DHS) all letters, email messages or records of telephone contacts between the office of U.S. Representative Silvestre Reyes (D-TX-16) and DHS officials in 2009, 2010, or 2011 regarding the city of El Paso and/or the Port of El Paso. (Case Number DHS/OS/PRIV 11-0619).
- On March 23, 2011, **Mike Mollen**, a researcher with the **Democratic Senatorial Campaign Committee** in Washington, D.C., requested from the Department of Homeland Security (DHS) all direct correspondence between U.S. Representative Danny Rehberg (R-MT) or representatives from his offices and DHS, including letters, reports, requests, and other relevant material. (Case Number DHS/OS/PRIV 11-0614).
- On March 23, 2011 **Anjan Mukherjee**, a researcher with the **Democratic Senatorial Campaign Committee**, in Washington, D.C., requested from the Department of Homeland Security (DHS), Office of Inspector General (OIG), and United States Citizenship and Immigration Services (USCIS) correspondence and other information requested by, or provided to U.S. Senator Scott Brown (R-MA). (Case Number DHS/OS/PRIV 11-0617, Mukherjee February 28, 2011, and 2011-091).
- On March 23, 2011, **Kevin Baron**, Director of Government Affairs with the **American Small Business League** in Petaluma, California, requested from the Department of Homeland Security (DHS) records to and from any DHS employee and (b)(6) from Electronic Data Systems Corporation and/or Hewlett-Packard Company, from December 1, 2010 through March 15, 2011. (Case Number DHS 11-0621).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, NY, requested from U.S. Immigration and Customs Enforcement “augmented” FOIA logs on interim/final responses issued during March 1-15, 2011. (Case Number 2011FOIA6926).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records containing the current status of the 10 oldest pending FOIA cases. (Case Number 2011FOIA6927).
- On March 23, 2011, **Susan Long**, co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records identifying each report or statistical compilation that has been prepared for use by the ICE FOIA Office, other offices within ICE or DHS, as well as those prepared to respond to inquiries from parties external to the department containing any information on the following: FOIA workload received by the ICE FOIA Office; the progress made in processing this FOIA workload; the character of the decisions taken; and issues that have arisen that have been prepared. (Case Number 2011FOIA6928).

- On March 24, 2011, **Adriana Pinon**, a staff attorney with the **New York Civil Liberties Union** in New York, New York, requested from U.S. Customs and Border Protection (CBP) records held by the Niagara Falls CBP Office concerning or describing any action, observance, or activity pertaining to the handcuffing, arrest and detention of an individual on January 13, 2011. (Case Number FOIA 201108381).

Late Requests

- On March 4, 2011, **Robert Stein**, with **DAN RATHER REPORTS** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) data for FY 2005 to present, the visa applications, approvals, and denials for Infosys and any/all of the company's related affiliates and subsidiaries, including but not limited to: INFOSYS BPO LIMITED, INFOSYS INTERNATIONAL INC., AND INFOSYS TECHNOLOGIES LIMITED. (Case Number Stein March 4, 2011)
- On March 4, 2011, **Michael Ravnitzky**, a self-proclaimed journalist in Silver Spring, Maryland, requested from United States Citizenship and Immigration Services (USCIS) records related to the processing of COW2011000073, including emails, memos, and notes. (Case Number COW2011000228).
- On March 9, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) the following records: copies of all documents, including, but not limited to, memoranda, templates, standard operating procedures, and training materials, concerning USCIS/NRC policies and procedures for forwarding FOIA requests to other agencies (e.g. Department of State, Department of Labor, or Department of Justice). (Case Number COW2011000243).
- On March 14, 2011, **Emily Creighton**, a staff attorney with **American Immigration Council** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) and U.S. Customs and Border Protection (CBP) all records which have been prepared, received, transmitted, collected, and or maintained by DHS and/or USCIS whether issues or maintained by United States Citizenship and Immigration Services Headquarters offices, regional offices, district offices, field offices and/or any other organizational structure, and which relate or refer in any way to any of the following: 1) attorney's ability to be present during their clients' interactions with USCIS; 2) what role attorneys may play during their clients' interactions with USCIS; 3) attorney conduct during interactions with USCIS on behalf of their clients; and 4) attorney appearances at USCIS offices or other facilities. (Case Number Creighton March 14, 2011 and 2011F08147).
- On March 16, 2011, **Lisette Garcia**, senior investigator with **Judicial Watch** in Washington, D.C., requested from United States Citizenship and

Immigration Services (USCIS) records related to the following: 1) submission; 2) approval; 3) denial; and/or 4) rejection on other grounds for the following forms: I-918; I-918A; I-918B, and I-912. (Case Number Judicial Watch March 16, 2011).

- On March 17, 2011, **Lisette Garcia**, senior investigator for **Judicial Watch** in Washington, D.C., requested from United States Citizenship and Immigration Services (USCIS) requested the following records: 1) all USCIS correspondence, including communications with Congress, related to the February 4, 2011, Freedom of Information Act request from Judicial Watch (COW2011000168); and 2) all USCIS records concerning, regarding, or related to the February 4, 2011 Freedom of Information Act request with Judicial Watch (COW2011000168). (Case Number Judicial Watch March 17, 2011).
- On March 17, 2010, **Eileen Scofield**, an immigration attorney from Atlanta, Georgia, requested from United States Citizenship and Immigration Services (USCIS) copies of the compliance notices issued by the E-Verify Monitoring and Compliance branch of USCIS, for FY 2010 and those issued to date for FY 2011. (Case Number NRC2011030906 and NRC2011030907).

III. FOIA Appeals

- On March 17, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., appealed the response from U.S. Customs and Border Protection (CBP) denying his requests for fee waiver and news media status related to his request for CBP enforcement statistics for FY 2009.
- On March 18, 2011, **Robert Deasy**, Director, Liaison and Information with **American Immigration Lawyers Association (AILA)** in Washington, D.C., appealed the no records determination from U.S. Customs and Border Protection (CBP) which indicated that there were no records responsive to his request for an index, list or compilation of CBP or legacy-INS musters to any or all ports of entry, preclearance operations or preflight inspection locations, listing date and topic of the muster. He also appealed the denial of his requests for fee waiver and news media.
- On March 21, 2011, U.S. Customs and Border Protection (CBP) issued to **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union of Northern California**, and **Tim Redmond**, Executive Editor of the ***San Francisco Bay Guardian***, in San Francisco, California, a denial for expedited processing, but grant their request for a fee waiver pertaining to their request for documents pertaining to the acquisition of controlled substances by state officials for the purposes of carrying out executions of condemned prisoners by lethal injection.

IV. FOIA Releases

- On March 7, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Tara Menendez**, a representative of **WOFL Fox NewsCorp.**, in

Lake Mary, Florida, a no records determination pertaining to her request seeking a list of names of illegal immigrants in Florida who have been ordered deported but were not because they reached their six months under *Zadvydas v. Davis*. (Case Number 2011FOIA6363).

- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Matthew Kownacki**, a representative of **Judicial Watch** in Washington, D.C., a no records determination in response to his request seeking records regarding “The Upper crust Pizzeria” chain. (Case Number 2011FOIA6728).
- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Carly Stadum**, with the **Georgetown University Law Center** in Washington, D.C., 99 pages of responsive records responsive to her request seeking documents, memos, e-mails, correspondence written by ICE personnel, DHS and air transportation unit personnel, related to procedures and policies for removing deportees with mental disabilities from the air transportation unit to foreign government officials upon arrival. Portions of these records have been withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).
- On March 18, 2011, U.S. Immigration and Customs Enforcement (ICE) will release to **Emily Willard**, a research associate at **The National Security Archive** in Washington, D.C., 13 pages responsive to their request seeking records pertaining to the report, “Intelligence Report: United States Southbound Weapons Smuggling Assessment,” ICE-00187-09. Portions of this response were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F).
- On March 19, 2011, United States Citizenship and Immigration Services (USCIS) released to **Henry Schuck**, an attorney in Vancouver, Washington, 9 pages of records pertaining to his request for the contact lists and organizational charts for the Offices of the Chief Information Officer. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number NRC2010017063).
- On March 21, 2011, Department of Homeland Security (DHS) will release to **Andrew Medici**, a staff writer with **The Federal Times** in Springfield, Virginia, 58 pages responsive to his request seeking copies of all relevant contact information for all public affairs officers within DHS, including phone numbers, email addresses and government-issued mobile phone numbers for all DHS employees classified as public affairs or communications officers and work with the news media to answer requests and schedule interviews. Portions of this response were withheld pursuant to FOIA Exemption (b)(6).
- On March 22, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 214 pages responsive to his request seeking copies of ICE policies, fact sheets, guides, and procedures for worksite enforcement operations. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E).

- On March 22, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stokley Baksh**, a reporter with **Deportation Nation** in Fairfax, Virginia, 1 spreadsheet responsive to their request for copies of contracts for services associated with the Secure Communities program and a spreadsheet that contains data on LESC operations. Portions of this response were withheld pursuant to FOIA exemption (b)(7)(E).
- On March 24, 2011, the United States Coast Guard (USCG) released to **Jody Murphy**, a reporter with the **Parkersburg News and Sentinel** in Parkersburg, West Virginia, 16 pages responsive to their request seeking documents concerning any bridge allusions related to the vessel DIXIE and/or any recreational vessels piloted by (b)(6). These records were released in full. (Case Number 2011FOIA1192).
- On March 24, 2011, the United States Coast Guard (USCG) issued to **David Baay**, of **Sutherland, Asbill, and Brenman** in Houston, Texas, a no records determination for his request seeking documents related to the Det Norske Veritas inspection of the Deepwater Horizon's blowout preventer at NASA's Michoud Assembly Facility in New Orleans, Louisiana. (Case Number 2011FOIA1034).

V. Lawsuits

- In the matter of National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al. (S.D.N.Y. 10-3488), (Secure Communities Case): Plaintiff filed a complaint April 27, 2010, claiming constructive denial with regard to ICE FOIA 10-2674 and that ICE improperly denied their fee waiver and request for expedited processing. On March 23, 2011, ICE submitted a declaration in support of the motion to stay pending appeal, which described ICE standard process for handling FOIA requests and explained the difficulty ICE would have if required to produce metadata for all responsive documents.
- In the matter of Buen Pastor Church, et al v. U.S Customs & Border Protection, U.S. Citizenship & Immigration Services, (USDC ED NC 5:11-CV-83), Plaintiff filed a complaint February 28, 2011, claiming constructive denial pertaining to their request for records relating to CBP's enforcement of immigration laws in the interior of the country.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of March 25 - 31, 2011

Privacy Office

April 4, 2011

Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (awards) related records:
- 1) HSHQDC-08-C-00128 (PDF, 38 pages); 2) HSHQDC-08-C-00139 (PDF, 69 pages); 3) HSHQDC-09-C-00004 (PDF, 24 pages); 4) HSHQPA-04-D-00001 (PDF, 33 pages); 5) HSHQPA-05-A-00030 (PDF, 22 pages); 6) HSHQDC-07-C-00100 (PDF, 47 pages); 7) HSHQDC-07-D-00030 (PDF, 72 pages); 8) HSHQPD-09-C-000006 - 1 (PDF, 78 pages); 9) HSHQPD-09-C-000006-2 (PDF, 75 pages); 10) HSHQPD-09-C-000006-3 (PDF, 75 pages); 11) HSHQDC-09-J-00014 (PDF, 76 pages); 12) HSHQDC-09-C-00125 (PDF, 38 pages); 13) HSHQDC-09-C-00123 (PDF, 33 pages); 14) HSHQDC-09-C-00129 (PDF, 36 pages); 15) HSHQDC-06-F-00214 (PDF, 28 pages); 16) HSHQDC-06-J-00433 (PDF, 43 pages); 17) HSHQDC-08-C-00011 (PDF, 39 pages); 18) HSHQDC-08-J-00026 (PDF, 23 pages); 19) HSHQDC-09-C-00165 (PDF, 76 pages); 20) HSHQDC-09-C-00040 (PDF, 40 pages); 21) HSHQDC-09-C-00168 (PDF, 34 pages); 22) HSHQDC-09-D-00001-1 (PDF, 40 pages); 23) HSHQDC-09-D-00001 -2 (PDF, 40 pages); 24) HSHQDC-09-D-00001-3 (PDF, 35 pages); 25) HSHQDC-09-D-00003 (PDF, 201 pages); 26) HSHQDC-09-F-00157 (PDF, 34 pages); 27) HSHQDC-09-J-00027 (PDF, 27 pages); 28) HSHQPA-05-A-00058 (PDF, 88 pages); and 29) HSHQPA-06-9-0002 (PDF, 42 pages).
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (Orders) related records:
- 1) HSHQDC-06-D-00019 (PDF, 96 pages); 2) HSHQDC-07-J-00409 (PDF, 15 pages); 3) HSHQDC-08-F-0001 (PDF, 41 pages); 4) HSHQDC-08-J-00196 (PDF, 50 pages); 5) HSHQDC-09-F-00133 (PDF, 21 pages); 6) HSHQDC-07-J-00708 (PDF, 66 pages); 7) HSHQDC-08-C-00035 (PDF, 45 pages); 8) HSHQDC-09-J-00014 (PDF, 89 pages); and 9) TIRNO-04-Z-00010 (PDF, 25 pages).
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library the following procurement (Solicitations) related records: 1) HSCEOP-06-C-00045 (PDF, 130 pages); and 2) HSHQDC-06-D-00028 (PDF, 34 pages).
- On March 23, 2011, the Department of Homeland Security posted to its FOIA Library the 2011 Chief FOIA Officers Report. The Department of Justice posted the report to the collective site on March 29, 2011.
- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library PRIV FOIA Logs, October 1, 2010 thru January 31, 2011.

- On March 25, 2011, the Department of Homeland Security posted to its FOIA Library FEMA FOIA Logs, October 1, 2010 thru December 31, 2010.
- On March 30, 2011, United States Citizenship and Immigration Services (USCIS) posted a reminder on its public website regarding the deadline to apply for funding under the FY 2011 Citizenship and Immigration Grants Program. Organizations must apply electronically by 11:59 p.m. EDT on April 1 using the application package and instructions available at www.grants.gov.

II. FOIA Requests

- On March 25, 2011, **Heather Catallo**, an Action News Investigator with **Channel 7 Action News (ABC) WXYZ-TV** in Southfield, Michigan, requested from the Department of Homeland Security (DHS) the following records: 1) any and all Form 3155 Offense/Incident Reports stemming from suspicious packages, persons at or near the McNamara Federal Building in Detroit dating back 2 years; 2) any other reports related to suspicious packages discovered at the McNamara building dating back 2 years; and 3) any and all Form 3155 Offense/Incident Reports stemming from suspicious packages found at or near federal buildings around the country dating back 2 years. (Case Number DHS/OS/PRIV 11-0631).
- On March 25, 2011, **Louise Radnofsky**, a journalist with **The Wall Street Journal** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all correspondence between Members of Congress and DHS since January 1, 2011. (Case Number DHS/OS/PRIV 11-0632).
- On March 26, 2011, **Zhaowang Ji**, a Project Manager for **New Immigrants United** in Germantown, Tennessee, requested from the United States Citizenship and Immigration Services (USCIS) information related to employment based I-485 approvals for the first 6 months of FY 2011. (Case Number Zhaowang Ji).
- On March 28, 2011, **Meghan Ashford-Grooms**, a reporter with the **Austin American-Statesman** in Austin, Texas, requested from U.S. Customs and Border Protection (CBP) the number of apprehensions of individuals from Cuba, Iran, Sudan, and Syria by CBP, which occurred on the southwestern border of the United States from October 1, 2008 through April 30, 2010. (Case Number FOIA #2011F08506)
- On March 28, 2011, Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from Brian Field, an attorney with Bancroft and Associates on behalf of his client **Michael Ledeen**, a reporter with **National Review Online** in Washington, DC, seeking copies of the following records: 1) Michael A. Ledeen in connection with Israel; 2) Michael A. Ledeen in connection with Iran; 3) Michael A. Ledeen in connection with Iraq; 4) Michael A. Ledeen in connection with Italy -including, but not limited to,

a meeting in Rome, Italy in December, 2001; 5) Michael A. Ledeen in connection with counterintelligence matters; and 6) directing officials and/or employees of the U.S. Government - including, but not limited to, (b)(6), an employee of the U.S. Marine Corps - to refuse to meet or talk with Michael A. Ledeen. (Case Number DHS/OS/PRIV 11-0629).

- On March 28, 2011, **Anne Weismann**, Chief Counsel for *Citizens for Responsibility and Ethics in Washington (CREW)* in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all documents DHS provided to the House Oversight and Government Reform Committee in response to Committee Chairman Darrell Issa's (R-CA) requests of January 14, 2011 and February 1, 2011. (Case Number DHS/OS/PRIV 11-0641).
- On March 29, 2011, **Jackie Barber**, Deputy Counsel with the **National Republican Congressional Committee (NRCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all hard copy and electronic correspondence, memoranda, notes, records of telephone calls or any other form of communication between DHS staff and the office of Congressman Steny Hoyer (D-MD); and 2) all hard copy and electronic correspondence, memoranda, notes, records of telephone calls or any other form of communication between DHS staff that both refers to the office of Congressman Steny Hoyer (D-MD) and that refers or relates to the following projects in any way: Capital Wireless Information Net, University of Maryland, and Perimeter security and noise abatement study at the Rowley training center, Maryland. (Case Number 11-0645).
- On March 31, 2011, the U.S. Department of Agriculture (USDA) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jessica Culpepper**, a staff attorney from **The Humane Society of the United States** in Washington, DC, seeking records related to the implementation of the "Farm Bill" as codified as 7 U.S.C. 2148 in the Animal Welfare Act on May 22, 2008. (Case Number DHS/OS/PRIV 11-0650).
- On March 31, 2011, **Julie Johnson**, a reporter with *The Press Democrat* in Santa Rosa, California, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding all Sonoma County Jail inmates brought into ICE custody between March 1, 2010 and February 28, 2011 through the Secure Communities program. (Case Number 2011FOIA7104).
- On March 31, 2011, **Kelly Just**, an Investigative Producer with *KSL-TV* in Salt Lake City, Utah, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the number of voluntary returns/departures successfully completed by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah Immigration Court; 2) the number of orders of removal completed against detained aliens by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah

Immigration Court; 3) the number of orders of removal completed against non-detained aliens by ICE from January 1, 2007 through December 31, 2009 as ordered by the Utah Immigration Court; and 4) the number of bond amounts forfeited by respondents who failed to appear in court or voluntary departures from January 1, 2007 through December 31, 2009. (Case Number 2011FOIA7105).

- On March 31, 2011, **J.J. Hensley**, a journalist with *The Arizona Republic* in Phoenix, Arizona, requested from U.S. Immigration and Customs Enforcement (ICE) the most current immigration status for individuals arrested by worksite enforcement operations conducted by the Maricopa County Sheriff's Office. (Case Number 2011FOIA7106).
- On March 31, 2011, **Meg Stalcup**, a freelance journalist with the *Washington Monthly* in Seattle, Washington, requested from the Federal Law Enforcement Training Center (FLETC) the following records that pertain to the specified areas of the curriculum, listed in the FOTTP schedule on the dates below: FOTTP - 602 January 31-February 9, 2006 Wed 2/1/06 2557 Islamic Culture and Names Wed 2/1/06 2606 History of Jihad Wed 2/8/06 Computers and Terrorism Wed 2/8/06 Computers and Terrorism FOTTP - 602 Pilot January 31-February 9, 2006 Fri 02/03/06 3115 Cyber Capabilities of Radical Islamic Groups Tue 02/07/06 2606 History of Jihad Tue 02/07/06 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 702 March 13-22, 2007 Tue 3/13/07 2606 Overview of Islam for Law Enforcement Officers Tue 3/20/07 2606 History of Jihad Tue 3/20/07 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 703 May 8-17, 2007 Tue 5/15/07 2606 History of Jihad Tue 5/15/07 2521 Introduction to Islamic Culture for Law Enforcement Wed 5/16/07 2606 Overview of Islam Wed 5/16/07 2606 Introduction to Jihad for Law Enforcement Officers Wed 5/16/07 2606 Jihad Case Studies FOTTP - 704 July 24-August 2, 2007 Wed 7/25/07 2556 Historical Overview of Islam Wed 7/25/07 2606 Intro to Jihad for Law Enforcement Officers Tue 7/31/07 2606 History of Jihad Tue 7/31/07 2521 Introduction to Islamic Culture for Law Enforcement FOTTP - 801 March 10-18, 2008 Room No: 2 Agency Mixed Tue 3/11/08 2556 Historical Overview of Islam Tue 3/11/08 2606 Intro to Jihad for Law Enforcement Officers Room No: 3 Tue 3/11/08 2556 Historical Overview of Islam Tue 3/11/08 2606 Intro to Jihad for Law Enforcement Officers FOTTP - 803 June 17-26, 2008 Tue 6/17/08 2556 Historical Overview of Islam Tue 6/17/08 2606 Intro into Jihad for LEOS Wed 6/18/08 2556 Historical Overview of Islam Wed 6/18/08 2606 Intro to Jihad for LEO's Tues 6/24/08 The Quran: A history of violence Seven myths about Islam: From Muhammad to the Mahdi Revenge of the Mahdi: The return of the Shi'i jihad in Iraq. (Case Number 11-061)
- On March 31, 2011, **Meg Stalcup**, a freelance journalist with the *Washington Monthly* in Seattle, Washington, requested from the Federal Law Enforcement Training Center (FLETC) all training materials that pertain to the specified areas of the curriculum, listed in the FOTTP

schedule on the dates below: FOTTP - 602 January 31-February 9, 2006
 WED 02/01/06 1103 Legal Aspects of Terrorism FRI 02/03/06 2510 Pre-
 Incident Indicators FOTTP - 602 Pilot January 31-February 9, 2006 WED
 02/01/06 1103 Legal Aspects of Terrorism Investigations THU 02/02/06
 2622 Contemporary Issues in Terrorism (Case Studies) WED 02/01/06
 2510 Pre-Incident Indicators (listed on schedule on Wed 02/08/06 with
 note that it was moved to 2/01/06 FOTTP - 702 March 13-22, 2007 THU
 3/15/07 2620 Contemporary Issues in Terrorism TUE 3/13/07 1103 Legal
 Aspects of Terrorism Investigations WED 3/14/07 1103 Legal Aspects of
 Terrorism Investigations THU 3/15/07 2622 Contemporary Issues in
 Terrorism (Case Studies) WED 03/21/07 2510 Pre-Incident Indicators
 FOTTP - 703 May 8-17, 2007 TUE 05/08/07 2636 Trends in Terrorism
 TUE 05/08/07 2523 Domestic Terrorism TUE 05/08/07 1103 Legal
 Aspects of Terrorism Investigations WED 05/09/07 1103 Legal Aspects of
 Terrorism Investigations THU 5/10/07 2622 Contemporary Issues in
 Terrorism (Case Studies) WED 5/16/07 2620 Contemporary Issues in
 Terrorism (Case Studies) WED 05/16/07 2510 Pre-Incident Indicators
 FOTTP - 703 May 8-17, 2007 (Agency: mixed) WED 05/09/07 2620
 Contemporary Issues in Terrorism (Case Studies) WED 05/09/07 2523
 International Terrorism WED 05/09/07 2523 Domestic Terrorism THU
 05/10/07 1103 Legal Aspects of Terrorism Investigations FOTTP - 704
 July 24-August 2, 2007 (Agency: mixed) TUE 7/24/07 2636 Trends in
 Terrorism THU 7/26/07 1103 Legal Aspects of Terrorism Investigations
 THU 7/26/07 2559 International Terrorism THU 7/26/07 2560 Domestic
 Terrorism FOTTP - 704 July 24-August 2, 2007 TUE 7/24/07 2636
 Trends in Terrorism TUE 7/24/07 2523 Domestic Terrorism TUE 7/24/07
 1103 Legal Aspects of Terrorism Investigations WED 7/25/07 1103 Legal
 Aspects of Terrorism Investigations THU 7/26/07 2622 Contemporary
 Issues in Terrorism (Case Studies) WED 08/01/07 2620 Contemporary
 Issues in Terrorism (Case Studies) WED 08/01/07 2510 Pre-Incident
 Indicators FOTTP - 801 March 10-18, 2008 Room No: 2 Agency Mixed
 TUE 3/11/08 2620 Contemporary Issues in Terrorism (Case Studies) TUE
 3/11/08 2530 Case Studies WED 3/12/07 1103 Legal Aspects of
 Terrorism Investigations WED 3/12/07 2560 Domestic Terrorism Room
 No: 3 TUE 3/11/08 2620 Contemporary Issues in Terrorism TUE 3/11/08
 2530 Case Studies WED 3/12/07 1103 Legal Aspects of Terrorism
 Investigations WED 3/12/07 2559 International Terrorism WED 3/12/07
 2560 Domestic Terrorism FOTTP - 803 June 17-26, 2008 WED 6/18/08
 2620 Contemporary Issues in Terrorism WED 6/18/08 2530 Case Studies
 THU 6/19/08 1103 Legal Aspects of Terrorism Investigations THU
 6/19/08 2559 International Terrorism THU 6/19/08 2560 Domestic
 Terrorism FOTTP - 803 June 17-26, 2008 Agency: Mixed TUES 06/17/08
 2558 Trends in Terrorism WED 6/18/08 2620 Contemporary Issues in
 Terrorism WED 6/18/08 2530 Case Studies (10 AM-12 PM) WED
 6/18/08 2530 Case Studies (1 PM-3 PM FRI 6/20/08 2559 International

Late Requests

- On March 12, 2011, **Carlos Subero**, a journalist with *The International Consortium of Investigative Journalist*, in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) the number of Venezuelan Citizens who have applied for legal residency from 2000 to 2010; 2) the number of Venezuelan Citizens Diversity Program Applicants from 2000 to 2010; 3) the number of Venezuelan Citizens who were preselected for the Diversity Program from 2000 to 2010; and 4) the number of Venezuelan Citizens who obtained legal residency through the Diversity Program from 2000 to 2010. (Case Number Subero).
- On March 18, 2011, **Daniel Raymond Carlson**, a self-proclaimed writer, in Sunnyside, New York, requested from the United States Citizenship and Immigration Services (USCIS) copies of every record in John Lennon's file (Case Number COW2011000247).
- On March 21, 2011, **Sulgee Lee**, a journalism student in Provo, Utah, requested from the United States Citizenship and Immigration Services (USCIS) copies of the 2010 report on: 1) the percentages of people who attempt to immigrate to the United States through marriage; 2) the number of attempted immigration fraud marriages; and 3) the demographics of immigrants who obtained their status through marriage. (Case Number Sulgee).
- On March 23, 2011, **Gregory Korte**, a staff writer with *USATODAY* in Washington, DC, requested from the Department of Homeland Security (DHS) a copy of the DHS plan submitted to the Office of Management and Budget (OMB) pursuant to the presidential memorandum dated June 10, 2010: "Disposing of Unneeded Real Estate." (Case Number DHS/OS/PRIV 11-0634).
- On March 24, 2011, (b)(6) an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) copies of e-mails, documents, letters or other materials from, to, or among Alejandro Mayorkas and/or other high ranking officials relating to: 1) the reassignment of (b)(6) from the position of (b)(6); 2) complaints by (b)(6) and Bret Gregg to the Office of the Inspector General (OIG), the Office of Special Counsel (OSC) and the Citizenship and Immigration Service (CIS) and Department of Homeland Security (DHS) Ethics Counsels; 3) the acronym "S.C.R.U.B." that appeared on the United States Citizenship and Immigration (USCIS) Director's office whiteboard in 2009; 4) the performance rating for (b)(6) for the rating year ending September 30, 2010; 5) the release to Senator Grassley of the memo with the subject line "Administrative Alternatives to Comprehensive Immigration Reform" and all records regarding discussions with or

preparation of the witnesses requested by Senator Grassley during 2009 to 2011; 6) moral at the California Service Center (CSC) between April and October 2010; 7) customer complaints about the California Service Center (CSC); 8) complaints or investigations pertaining to (b)(6) from 2008 to 2010; 9) the detail of (b)(6) to Office of Security and Integrity (OSI) in 2010; 10) seven identified receipt files; 11) the reassignment of Jennifer Louis to the position of Chief of Staff, California Service Center (CSC) in 2010; 12) the California Service Center (CSC) during the period from March–August 2010; 13) any alleged Office of Civil Rights and Civil Liberties (CRCO) complaints against the California Service Center (CSC) in 2009 and 2010; 14) the cancellation of the selections of the positions for (b)(6) at the California Service Center (CSC); 15) the temporary promotion of (b)(6) to a supervisor position at the California Service Center (CSC) in 2010, and his subsequent transfer to Atlanta; 16) the cost of searching the e-mail and computers of several individuals at the California Service Center (CSC) during 2010 and 2011; 17) ethics training at the California Service Center (CSC) conducted in 2010, and the discussion or creation of a new Ethics Training for the California Service Center (CSC) to include Ethics Training materials presented by (b)(6) to personnel of the California Service Center (CSC) between July and September 2010, all broadcast messages issued by the California Service Center (CSC) regarding the Ethics Training in 2010, and any discussions of decertification, invalidation, or lack of accreditation by United States Citizenship and Immigration (USCIS) Academy or any other United States Citizenship and Immigration (USCIS) officials regarding the Ethics Training provided to the California Service Center (CSC) in 2010; 18) application, qualification and selection of (b)(6) for any United States Citizenship and Immigration (USCIS) position in 2009 or 2010; 19) (b)(6) detail to the California Service Center (CSC) in 2010, and her failure to pay her government credit card and the cancellation/suspension of that card; 20) travel documents for Rosemary Melville from 2008 to present; 21) Senior Executive Service (SES) performance ratings, performance bonuses and pay raises for rating year ending September 30, 2010; 22) e-mails between (b)(6) and Headquarters Service Center Operations staff during the period March 2008 through March 2009, regarding candidate Obama presidential campaign; 23) authorization for (b)(6) to work for the 2008 presidential campaign; 24) staff meeting notes and documents of Service Center Operation managers, political discussions during the period March 2008 through March 2009; and 25) performance ratings and performance awards for the rating period ending September 30, 2010, for USCIS GS-15 employees whose assigned duty station was Washington, DC. (Case Number (b)(6))

III. FOIA Releases

- On January 31, 2011, Federal Law Enforcement Training Center (FLETC) released to **Meg Stalcup**, a reporter with the *Washington Monthly* in Seattle, Washington, copies of all FOTTP schedules. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 10-129).
- On March 3, 2011, the Office of Inspector General (OIG) released to **Bob Cusack**, a reporter with *The Hill* in Washington, D.C., copies of FOIA logs from November 1, 2010 to the present. Portions of this response were withheld pursuant to FOIA exemption (b)(6).
- On March 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Rebecca Boone**, a reporter with *The Associated Press* in Boise, Idaho, 67 pages responsive to her request seeking the following records: 1) copies of all audits reviewing the medical and health care services provided at the Elizabeth Detention Center in New Jersey and the Torrance County Detention Facility in New Mexico between Jan. 1, 2007 and Aug. 27, 2010; and 2) copies of any monthly, quarterly, annual or any other routinely created medical reports produced by Corrections Corporation of America for ICE concerning both the facilities during the same time period. (Case Number 2010FOIA8396).
- On March 25, 2011, the Department of Homeland Security (DHS) Office of General Counsel released to **Anne Weismann**, Chief Counsel for **Citizens for Responsibility and Ethics in Washington (CREW)** in Washington, DC, 61 pages responsive to her request seeking all records of communications among and between U.S. Representative Darrell E. Issa (R-CA) and/or anyone acting on behalf of Rep. Issa or the House of Representatives Committee on Oversight and Government Reform (Oversight Committee), Rep. Issa's personal staff, any staff of, and any investigators internal or external to the Oversight Committee including but not limited to (b)(6) and: (1) any employee of the DHS Privacy Office including but not limited to the undersigned, Catherine M. Papoi, and/or Vania Lockett. Portions of this response were withheld in full pursuant to exemption (b)(5). (Case Number DHS 11-0423).
- On March 29, 2011, United States Citizenship and Immigration Services (USCIS) released to **Michael Rizzo**, founder of **Mob Tours** in Buffalo, New York, two pages relating to Frank J. Valente. Portions of this response are withheld pursuant to FOIA exemption (b)(7)(C). (Case Number COW2011000216).
- On March 30, 2011, the Department of Homeland Security (DHS) will release to **Suzanne Gamboa**, a reporter with *The Associated Press* in Washington, DC, 2 pages of records responsive to her request seeking records regarding proposals for administrative alternatives to comprehensive immigration reform from January 2007 through the end of February 2009. (Case Number DHS/OS/PRIV 11-0239).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- On March 31, 2011, U.S. Customs and Border Protection (CBP) issued to **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association (AILA)** in Washington, DC, a determination indicating that his requests for expedited processing and news media status were moot since CBP issued a response and did not assess any fees related to his request for documents pertaining to circumstances when CBP will send a L-1 petition to U.S. Citizenship and Immigration Services instead of allowing withdrawal of the application for admission at the port of entry. (Case Number 2011F03339).

VI. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 1 - 7, 2011

Privacy Office

April 11, 2011

Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On March 24, 2011, United States Citizenship and Immigration Services (USCIS) posted an interim memorandum entitled "Supplemental Guidance to USCIS Service Centers on Adam Walsh Act Adjudication - Centralization of Identified Adam Walsh Act Related Petitions at the Vermont Service Center for Adjudication and Review (*AFM* Update AD11-23)" on its public website for stakeholder review and comment. This memorandum provides guidance to USCIS service centers regarding changes in the handling of all stand-alone I-130 and I-129F petitions filed by petitioners who have been convicted of any "specified offense against a minor" under the Adam Walsh Child Protection and Safety Act of 2006 ("Adam Walsh Act" or "AWA") and related issues. This memorandum applies only to petitions that are adjudicated at the service centers and not to petitions adjudicated at USCIS field offices. The period for comment ends April 7, 2011.
- II. FOIA Requests**
- On April 4, 2011, **Lucy Dalglish**, Executive Director and Publisher with **The New Media and The Law** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all FOIA requests received by DHS covering the period ranging from January 20, 2009 through the present that were deemed "significant FOIA requests" by agency personnel pursuant to standards developed in 2005 (as described on page 3 of Mary Ellen Callahan's March 31, 2011 written statement before the U. S. House of Representatives Committee on Oversight and Government Reform ("Statement") along with any and all "summary" records related to such significant requests as referred to on page 6 of the Statement. (Case Number DHS/OS/PRIV 11-0669).
 - On April 7, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all reports of significant FOIA activity received from all DHS component FOIA offices by the DHS Privacy Office in March of 2011. (Case Number DHS/OS/PRIV 11-0687).
 - On April 7, 2011, **Laura Strickler**, a journalist with **CBS News** in Washington, DC, requested from the Department of Homeland Security (DHS) all Weekly Cabinet Reports to the White House from October 1, 2010 through April 6, 2011. (Case Number DHS/OS/PRIV 11-0682).
 - On April 7, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) all Weekly Cabinet Report to White House weekly reports created from January 27, 2011 through the date this request is processed. (Case Number DHS/OS/PRIV 11-0688).

- On April 7, 2011, **Scott MacFarlane**, a reporter with **COX TV** in Washington, DC, requested from the Department of Homeland Security (DHS) all weekly Cabinet reports to The White House from December 20, 2009 thru April 6, 2011. (Case Number DHS/OS/PRIV 11-0673).
- On April 4, 2011, **Erin Maskell**, a reporter with the **National Security Archive** at The George Washington University in Washington, DC, requested from U.S. Customs and Border Protection (CBP) all documents relating to an individual during the time he was located in Florida from March 12, 2005 through May 17, 2005. (Case Number CBP FOIA 2011F08934).
- On April 4, 2011, (b)(6) an individual in Costa Mesa, California, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) all correspondence from March or April 2008 from herself to several other employees, which reference the (b)(6) MSPB decision; and 2) documentation of any actions taken as a result of that email, including investigations. (Case Number (b)(6)).
- On April 5, 2011, **Paul Gottlieb**, a Special Projects Reporter with the **Peninsula Daily News** in Port Angeles, Washington, requested from the United States Coast Guard (USCG) the investigative report on the crash of the MH-60 Jayhawk rescue helicopter off James Island on July 7, 2010. (Case Number 2011FOIA2086).
- On April 5, 2011, **Elaine Povich**, a reporter with **The Fiscal Times** in Laurel, Maryland, requested from the Office of Inspector General (OIG) the identities of the towns, cities, and urban areas mentioned in two OIG reports: #OIG-11-44, entitled "The State of Texas' Management of State Homeland Security Program and Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008;" and #OIG-11-46, entitled "The State of California's Management of Urban Areas Security Initiative Grants Awarded During Fiscal Years 2006 through 2008." (Case Number OIG FOIA #2011-098).
- On April 6, 2011, **Chuck Bennett**, a reporter with **The New York Post** in New York, New York, requested from U.S. Customs and Border Protection (CBP) the following records: 1) documents that discuss the gross total numbers of seizures year by year from 2007 to year to date; 2) documents that discuss the domestic value year by year of seized goods (based on CBP or industry estimates, compiled by CBP); 3) documents that specify the types/makes/models of parts seized; 4) documents that specify "rights infringed" upon; and 5) documents that specify which ports and/or regional/field offices where the seizures occurred. (Case Number CBP FOIA 2011F08959).
- On April 6, 2011, (b)(6) in Saint Paul, Minnesota, requested from the Department of Homeland

Security (DHS) a copy of the following records: 1) correspondence relating to the U.S. Coast Guard (USCG) FOIA request number 2010-2784; 2) correspondence relating to FOIA requests about any contracts between the DHS (or any of its components) and Talon Security, or any company with a substantially similar name; 3) correspondence relating to FOIA requester (b)(6); 4) correspondence relating to FOIA requester (b)(6); and 5) any intra-agency correspondence between any staff member of the DHS and any staff member of the USCG that relates to items 1-4, above. (Case Number DHS/OS/PRIV 11-0674).

- On April 6, 2011, **Andrew Glazer**, a producer with **Dan Rather Reports** in New York, New York, requested from U.S. Customs and Border Protection (CBP) copies of all records related to the April 18, 2010, detention of an individual near Indio, California. (Case Number CBP FOIA 2011F08956).
- On April 6, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) a copy of the DHS Office of Intelligence and Analysis (I&A) organizational chart. (Case Number DHS/OS/PRIV 11-0680).
- On April 7, 2011, **Philip Halin**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) records of communication between DHS and the office of Congressman Peter King (R-NY-3) including but not limited to emails, letters, or other communication to and from Congressman Peter King (R-NY-3) or any member of his staff. (Case Number DHS/OS/PRIV 11-0681).
- On April 6, 2011, **Carolyn Thompson**, a correspondent with **The Associated Press** in Buffalo, New York, requested from U.S. Customs and Border Protection (CBP) copies of statistics on human smuggling arrests along the northern border from 2001 through 2010, including location (port of entry, sector), also whether they were on foot or by vehicle. (Case Number CBP FOIA 2011F08955).

Late Requests

- On March 9, 2011, **Smruti Govan**, a Research Intern with **Amnesty International USA** in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) the following records: 1) the total number of family-sponsored and employment based immigrant visa applications from Mexicans for 2010 that are pending; 2) the total number of those applications that were granted; and 3) the total number of applications for employment-based adjustment of status under INA 245 that are still pending from Mexico. (Case Number COW2011000253).
- On March 14, 2011, **Mike Mollen**, a Researcher with the **Democratic Senatorial Campaign Committee**, in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) all

correspondence and other information exchanged between USCIS and U.S. Representative Dennis Rehberg (R-MT). (Case Number NRC2011034995).

- On March 21, 2011, **Deborah Patterson**, a representative of **Thomson Reuters** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) the California Service Center Administrative Appeals Order dated March 11, 2003, that was referenced in WAC0128353346. (Case Number COW2011000248).
- On March 21, 2011, **Michael Ray**, a lawyer in Miami, Florida, requested from United States Citizenship and Immigration Services (USCIS) on behalf of his client **The Haitian-American Grassroots Coalition** records relating to requests for Temporary Protected Status by Haitians. (Case Number COW2011000260).
- On March 23, 2011, **Adam Rosen**, a lawyer with the **Murphy Law Firm**, in Owings Mills, Maryland, requested from United States Citizenship and Immigration Services (USCIS) a copy of all documents that were created in whole or in part by USCIS that were issued in whole or in part pursuant to satisfy Section 428 of the Homeland Security Act of 2002. (Case Number COW2011000254).
- On March 30, 2011, **Jordy Yager**, a reporter with **The Hill** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) a complete log of all travel undertaken by the DHS Secretary Janet Napolitano from January 21, 2009 thru March 23, 2011; and 2) a complete log of all travel undertaken by DHS Deputy Secretary Jane Holl Lute from January 21, 2009 thru March 23, 2011. (Case Number DHS/OS/PRIV 11-0659).

III. FOIA Releases

- On April 1, 2011, the Federal Emergency Management Agency (FEMA) released to **Sean Cairncross**, Chief Counsel with the **National Republican Senatorial Committee** in Washington, DC, 3 pages of records, which include correspondence to President George W. Bush requesting declaration of a major disaster for the State of Indiana. These records were released in full. (Case Number DHS/OS/PRIV 10-0724 and FEMA 10-568).
- On April 1, 2011, the Science and Technology (S&T) Directorate released to **Chetanand Sewaraz**, an individual in Youngstown, Ohio, 55 pages of responsive records to his request seeking a copy of all records in the possession of the FBI concerning or making reference to his name. Portions of this response are withheld pursuant to FOIA exemption (b)(7)(c). (Case Number FBI/PA #115317-000, DHS/OS/PRIV 11-0550, and S&T 11-0003.14).
- On April 4, 2011, the Office of Inspector General (OIG) released to **Bob Cusack**, a reporter with **The Hill** in Washington, DC, 6 pages of OIG FOIA logs. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number 2011-088).

- On April 6, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with ***The Atlanta Journal-Constitution*** in Atlanta, Georgia, 89 pages of records, which includes copies of inspection reports and reviews. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4264).
- On April 7, 2011, the U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with ***The Houston Chronicle*** in Houston, Texas, 100 pages of documents and three spreadsheets responsive to her request seeking copies of records regarding immigration case dismissals and prosecutorial guidance from ICE Offices within Houston, Texas between June 1, 2010 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number 2011FOIA0324).
- On April 7, 2011, the Department of Homeland Security (DHS) released to **Erin Maskell**, an intern with the **National Security Archive** in Washington, DC, 9 pages of responsive records comprised of congressional correspondence and emails. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0412).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- NSTR

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 8 - 14, 2011
Privacy Office
April 18, 2011
Weekly FOIA Report

- I. Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:
- On April 6, 2011, United States Citizenship and Immigration Services (USCIS) International Operations Division and the Office of Public Engagement invited stakeholders to participate in a meeting in which USCIS presented findings of a recent interagency site visit to Addis Ababa to review Ethiopian adoptions. The meeting invitation and presentation has been posted on USCIS.gov.
 - On April 7, 2011, United States Citizenship and Immigration Services (USCIS) Office of Public Engagement hosted an engagement with the American Immigration Lawyers Association (AILA), the Office of Chief Counsel and other relevant program offices/directorates. USCIS discussed issues related to the adjudication of immigration benefits and other concerns posed by AILA members. A Questions and Answers page has been posted on USCIS.gov.
 - On April 8, 2011, United States Citizenship and Immigration Services (USCIS) Office of Transformation Coordination and the Office of Public Engagement invited stakeholders to participate in a session regarding mandatory electronic filing of applications and petitions for immigration benefits. The meeting invitation and agenda have been posted on USCIS.gov.
 - On April 8, 2011, United States Citizenship and Immigration Services (USCIS) announced it continues to accept H-1B nonimmigrant petitions that are subject to the fiscal year (FY) 2012 cap. The agency began accepting these petitions on April 1, 2011. USCIS is monitoring the number of petitions received that count toward the congressionally mandated annual H-1B cap of 65,000 and the 20,000 U.S. Master's degree or higher cap exemption; approximately 5,900 H-1B petitions counting toward the 65,000 cap, and approximately 4,500 petitions toward the 20,000 cap exemption for individuals with advanced degrees have been received.
- II. FOIA Requests**
- On April 12, 2011, the United States Department of Commerce (DOC), National Oceanic and Atmospheric Administration (NOAA) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Annie Weismann**, Chief Counsel with **Citizens for Responsibility and Ethics in Washington** and **Damon Mogien**, Global warming Director with **Greenpeace** in Washington, DC, seeking the following records: 1) copies of any and all video feeds that capture in

whole or in part any aspect of the British Petroleum (BP) Deepwater Horizon Oil Spill in the Gulf of Mexico (BP Oil Spill), including but not limited to the ongoing live video feed of the BP Oil Spill provided by BP, as referenced in Brian Ross "BP Releases Oil Spill Video After Pressure" From White House and Media, ABC News May 12, 2010, available at <http://abcnews.go.com/IBlotter/bp-releasees-oil-spill-video-pressure-white-house/story?id=10629165>; and 2) all documents that mention, refer, or relate to NOAA communications concerning the use of dispersants in the course of any efforts to mitigate or clean up the **BP Oil Spill**, including but not limited to, all internal NOAA communications as well as all communications to, by, or from NOAA to the EPA, the Dept of Interior, BP, Halliburton, or Transocean regarding the use of dispersants in the course of any efforts to mitigate or clean up the BP Oil Spill. (Case Number DHS/OS/PRIV 11-0714).

- On April 8, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from the Office of Inspector General (OIG) a statistical breakdown, by FY, state, and agency of all criminal investigations related to U.S. Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS), and U.S. Immigration and Customs Enforcement (ICE) from 2003 to present, including a breakdown of investigations leading to arrests, indictments, and convictions. Additionally, Mr. Becker seeks statistical breakdowns as described above for all CBP, USCIS, and ICE corruption-related criminal investigations. (Case Number OIG FOIA #2011-100).
- On April 8, 2011, **Paul Hampel**, a reporter with the **St. Louis Post-Dispatch** in St. Louis, Missouri, requested from the Office of Inspector General (OIG) the following records: 1) the identity of the engineer DHS-OIG hired to inspect the University City, Missouri, fire station on December 15, 2010, for OIG audit report #OIG-11-52, entitled "Actions Taken by the Federal Emergency Management Agency in Response to an Allegation Concerning the Application for a Station Construction Grant Submitted by the University City, Missouri, Fire Department;" 2) records of all payments from DHS-OIG to the engineer for the inspection and any subsequent work related to the inspection; and 3) the report or any work product that the engineer produced related to the inspection. (Case Number OIG FOIA #2011-102).
- On April 8, 2011, **Lori Pruett**, with **Vatterott, Harris, Devine & Kwentus, P.C.** in Maryland Heights, Missouri, requested from the Department of Homeland Security (DHS) a copy of the engineer's report mentioned on page 2 of the OIG audit report #OIG-11-52, entitled "Actions Taken by the Federal Emergency Management Agency in Response to an Allegation Concerning the Application for a Station Construction Grant Submitted by the University City, Missouri, Fire Department." (Case Number DHS/OS/PRIV 11-0703).
- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) copies of “Chief Intelligence Officer Notes” issued in March 2011. (Case Number DHS/OS/PRIV 11-0707).

- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all contributions made by the Office of Intelligence and Analysis (OI&A) in March 2011 for consideration in the President’s Daily Brief. (Case Number DHS/OS/PRIV 11-0708).
- On April 12, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) copies of the FOIA Logs from FY 2010 and FY 2011. (DHS/OS/PRIV Case Number 11-0709).
- On April 12, 2011, **Christopher Zealand**, a research attorney with the **National Rifle Association of America (NRA)** in Fairfax, Virginia, requested from the Department of Homeland Security (DHS) the following records: 1) any correspondence, memoranda, or other documents in any form, including those in electronic and/or voice form, referring to possible gun control measures in Clinton, Iowa; 2) any correspondence, memoranda, or other documents in any form, including those in electronic and/or voice form, referring to the effect of federal law or regulation on a political subdivision's ability to enact or enforce gun control measures; 3) any Freedom of Information Act (FOIA) requests received by DHS concerning any of the above subject matters. (Case Number DHS/OS/PRIV 11-0710).
- On April 13, 2011, the Office of the Director of National Intelligence (ODNI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **David Perera**, a reporter with **FierceGovernmentIT** in Washington, DC, seeking copies of the self-assessment questionnaire sent by PM-ISE to 72 fusion centers used to access the fusions centers’ current operations against baseline capabilities. (Case Number DHS/OS/PRIV 11-0718).

Late Requests

- On April 4, 2011, **Peter Duffy**, a freelance journalist in New York, New York, requested from United States Citizenship and Immigration Services (USCIS) records pertaining to Hermann W. Lang, a (now deceased) naturalized citizen who subsequently was convicted of espionage. (Case Number COW2011000301).
- On April 5, 2011, **Zorah Samizay**, an individual in Stamford, Connecticut, requested from United States Citizenship and Immigration Services (USCIS) the name and position of the Department of Homeland Security (DHS) staff member who interviewed an individual in Beirut, Lebanon between October 1, 2010 and November 31, 2010 regarding Special Immigrant Visa applications. (Case Number COW2011000310).
- On April 7, 2011, the Federal Bureau of Investigation (FBI) referred to the Department of Homeland Security (DHS) documents responsive to a request from **Jordan Goodman**, a Professor and Honorary Research

Associate with the **Department of Science and Technology Studies, University College London** in London, England, seeking the FBI files on Max Yergan. (Case Number DHS/OS/PRIV 11-0691).

- On April 7, 2011, **Nate Jones**, FOIA Coordinator with the **National Security Archive** at George Washington University in Washington, DC, requested from the Department of Homeland Security (DHS) any materials pertaining to the October 22, 1983 hostage situation in Augusta, Georgia, involving at least two Presidential staffers during President Reagan's golfing trip. (Case Number DHS/OS/PRIV 11-0690).
- On April 7, 2011, **Sarnata Reynolds**, Director of Policy and Advocacy, Refugee and Migrants Rights Program, **Amnesty International USA** in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all records referencing or detailing any complaint or investigation into CBPs actions involving [sic] members of the Tohono O'odham Nation. (Case Number DHS/OS/PRIV 11-0700).

III. FOIA Releases

- On April 11, 2011, the Federal Emergency Management Agency (FEMA) released to **Salvador Sarmiento**, a Legal Associate with the **RFK Center for Justice and Human Rights** in Washington, DC, two excel spreadsheets, which contain 2008 declarations for CFO Financial Information Tool and Hurricane Supplemental Obligations and Outlays. These records were released in full. (Case Number FEMA 10-513).
- On April 13, 2011, United States Citizenship and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **Witness Unto Me** in Topock, Arizona, 55 pages of documents, which comprise Barack Hussein Obama, Senior's Alien file. Portions of this response are being withheld pursuant to FOIA Exemption (b)(6). (Case Number HQS2010000119).
- On April 13, 2011, U.S. Citizenship and Immigration and Services (USCIS) released to **Audrey Dorelien** with the Office of Population Research, Wallace Hall, **Princeton University** in Princeton, New Jersey, 51 pages of documents responsive to her request for records pertaining to Temporary Protected Status because of natural disasters for several countries. These records were released in full. (Case Number COW2011000225).
- On April 14, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Gregory Korte**, a reporter with **USA Today** in Washington, DC, 45 pages responsive to his request seeking copies of contingency plans, guidance, or correspondence with the Office of Management and Budget regarding preparations for a government shutdown. These records were released in full. (Case Number MGMT 11-89).
- On April 14, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Lisa Lerer**, a reporter with **Bloomberg News** in Washington, DC, 68 pages responsive to her request seeking copies of memos and papers related to the contingency planning

for a potential government shutdown. These records were released in full. (Case Number MGMT 11-73/Lerer).

IV. FOIA Appeals

- On March 30, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch**, in Washington, DC, appealed the response from U.S. Customs and Border Protection (CBP) to his request for: 1) a copy of the Firearms and Use of Force Handbook utilized by Customs and Border Protection on December 14, 2010; and 2) a copy of any amended version of the Firearms and Use of Force Handbook, if changed since December 14, 2010.

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Dany Rojas-Vega v. United States Citizenship and Immigration Services, Department of Homeland Security, U.S. Immigration and Customs Enforcement, Eric H. Holder, Jr., United States Attorney General is joined as indispensable party*, (09-CV-2489-BEN), Plaintiff filed a complaint March 17, 2011, claiming the agency improperly withheld from the Plaintiff releasable information in his file.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 15 - 21, 2011

Privacy Office

April 25, 2011

Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On April 5, 2011, U.S. Immigration and Customs Enforcement posted to its FOIA Library the list of all detainee deaths from October 2003 through March 31, 2011, available from <http://www.ice.gov/doclib/foia/reports/detaineedeaths2003-present.pdf>.
- On April 12, 2011, United States Citizenship and Immigration Services (USCIS) Asylum Division held their quarterly stakeholder meeting to discuss issues regarding asylum operations. A Questions and Answers sheet will be available on USCIS's website at a later time.
- On April 13, 2011, United States Citizenship and Immigration Services (USCIS) Director Mayorkas hosted a public engagement meeting to discuss the broader issues of importance to the arts, entertainment, and modeling industries in the "O" and "P" nonimmigrant classifications. A detailed executive summary of the engagement will be available on USCIS's website at a later time.
- On April 14, 2011, United States Citizenship and Immigration Services (USCIS) invited interested parties to participate in a stakeholder engagement meeting regarding the unauthorized practice of immigration law and building the capacity of immigration service providers. A detailed executive summary of the engagement will be available on USCIS's website at a later time.
- On April 14, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that a final rule that adopts, without change, an interim rule to improve the integrity of the Employment Eligibility Verification (Form I-9) process. USCIS received approximately 75 public comments in response to the interim rule, which has been in effect since April 3, 2009. The main changes made by the interim rule and adopted by the final rule include prohibiting employers from accepting expired documents; revising the list of acceptable documents by removing outdated documents and making technical amendments; and adding documentation applicable to certain citizens of the Federated States of Micronesia and the Republic of the Marshall Islands. The final rule will be published in the Federal Register on April 15 and will be available at www.uscis.gov. The final rule will be effective on May 16, 2011.

II. FOIA Requests

- On April 15, 2011, **Josh Gerstein**, a reporter with **Politico** in Alexandria, Virginia, requested from the United States Coast Guard (USCG) all records pertaining to the organization Vietnam Veterans Against the War (VVAW). (Case Number 2011FOIA2221).
- On April 15, 2011, **Christina Poulos**, an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) all emails between several individuals in the USCIS Service Center Operations regarding or mentioning the President Obama's 2009 presidential campaign, the presidential campaigns, conventions, or voting between March 2008 and March 2009. (Case Number HQS2011000063).
- On April 18, 2011, **Christina Poulos**, an individual in Costa Mesa, California, requested from the United States Citizenship and Immigration Services (USCIS) all documents and correspondence between and among high-ranking USCIS officials regarding a Los Angeles Times article dated August 10, 2010, authored by Teresa Watanabe. (Case Number HQS2011000066).
- On April 18, 2011, **Lise Olsen**, a reporter with **The Houston Chronicle** in Houston, Texas, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) an electronic copy of the number of affirmative asylum applications for Mexican nationals for the years 2005-2010 with subtotals for those residing in Arizona, California, New Mexico and Texas; 2) the number of applications for trader/investor visas for Mexican nationals for 2005-2010 with subtotals for those residing in Arizona, California, New Mexico and Texas; and 3) the number of Texas asylum seekers and trade/investor visa applicants who applied from or intended to reside in El Paso, Houston, San Antonio, Laredo, McAllen and Dallas for 2005 - 2010. (Case Number COW2011000322).
- On April 18, 2011, **Sarah Henkel**, a legal assistant with the **South Texas Civil Rights Project** in San Juan, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) policies and procedures pertaining to the housing and detention of gays, lesbians, and transgender persons as outlined in ICE's national detention standards; and 2) policies and procedures pertaining to the housing and detention of gays, lesbians, and transgender persons as specified in the contract between ICE and the Management and Training Corporation detention facility, Willacy County Detention Center located at 1601 County Road 300 South Raymondville, TX 78580-4115. (Case Number 2011FOIA7470).
- On April 18, 2011, **Jack Julian** and **Fernande Devost**, reporters with **CBC News** in Halifax, Nova Scotia, requested from U.S. Customs and Border Protection (CBP) all records pertaining to the late Adolphe Joseph LeBlanc, a Roman Catholic Priest stopped at the U.S. - Canadian border

on or about August 3, 1941, with a boy hidden in the trunk of his car. (Case Number CBP FOIA 2011F10224).

- On April 6, 2011, **Jack Julian** and **Fernande Devost**, reporters with **CBC News** in Halifax, Nova Scotia, requested from the United States Citizenship and Immigration Services (USCIS) all records pertaining to an August 3, 1941 stop of Adolphe Joseph LeBlanc, a Canadian citizen, at the US Border. (Case Number COW2011000323).
- On April 18, 2011, **Polo Sandoval**, reporter with **KRGV-TV Channel 5 News** in Rio Grande Valley, Texas, requested from U.S. Customs and Border Protection (CBP) records relating to probable cause affidavits, criminal complaints, case files, and witness/suspect statements, specifically seeking the following: case material relative to alien apprehensions, illicit narcotics, weapons, undeclared money, or any other contraband seized during either or outbound inspection operations at the Laredo rail port of entry the 2010 fiscal year, and the 2011 fiscal year to date. (Case Number CBP FOIA 2011F10413).
- On April 19, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the current baseline data dictionary, all entity relationship diagrams, and all records describing the relational table structures for the ENFORCE Apprehension Booking Module (EABM), Release 9.24; 2) Wed-Enabled Automated Biometric Identification System (WebIDENT), Release 1.15 Contract No. HSHQDC-06-D-00032 Task Order No. HSCETC-08-J-00010; Investigative Systems Branch March 9, 2010, EVY00.10077-01.UA0-EDS. (Case Number 2011FOIA7480).
- On April 19, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records identifying all mandatory fields in the ENFORCE database system. (Case Number 2011FOIA7486).
- On April 19, 2011, **Conor Kennedy**, Appellate Advocacy Fellow and **Ginger McCall**, Associate Director of Open Government Project with **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) all contracts, proposals, and communications between the federal government and third parties, including, but not limited to, H.B. Gary Federal, Palantir Technologies, and/or Berico Technologies, and/or parent or subsidiary companies, that include provisions concerning the capability of social media monitoring technology to capture, store, aggregate, analyze, and/or match personally-identifiable information; 2) all contracts, proposals, and communications between DHS and any states, localities, tribes, territories, and foreign governments, and/or their agencies or subsidiaries, and/or any corporate entities, including but not limited to H.B. Gary Federal, Palantir Technologies, and/or Berico Technologies, regarding the implementation

of any social media monitoring initiative; 3) all documents used by DHS for internal training of staff and personnel regarding social media monitoring, including any correspondence and communications between DHS, internal staff and personnel, and/or privacy officers, regarding the receipt, use, and/or implementation of training and evaluation documents; 4) all documents detailing the technical specifications of social media monitoring software and analytic tools, including any security measures to protect records of collected information and analysis'; and 5) all documents concerning data breaches of records generated by social media monitoring technology. (Case Number DHS/OS/PRIV 11-0736).

- On April 19, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) a copy of a training video on agent suicide produced by the CBP's El Paso Sector in 2010. (Case Number CBP FOIA 2011F10488 and DHS/OS/PRIV 11-0723).
- On April 18, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from U.S. Customs and Border Protection (CBP) the number of corruption investigations involving CBP and U.S. Immigration and Customs Enforcement (ICE) employees opened by Office of Inspector General (OIG) in California, Arizona, New Mexico, Nevada and Texas during calendar years 2008 - 2010. (Case Number OIG FOIA #2011-105).
- On April 19, 2011, **Michel Marizco**, a journalist with **KJZZ Arizona Public Radio** in Tucson, Arizona, requested from the Department of Homeland Security (DHS) all records of suicides of U.S. Customs and Border Protection (CBP) agents and inspectors since 2006, including, but not limited to: name of the agent, location of the port or sector the agent was assigned to, date of the suicide, specific CBP division within which the agent worked, specific duties of the agent. (Case Number DHS/OS/PRIV 11-0722).
- On April 19, 2011, **Danny Ramos**, Executive Assistant to the CEO from **Allied Artists International, Inc.**, in Hacienda Heights, California, requested from the United States Citizenship and Immigration Services (USCIS) all documents, applications and/or reports relating to deceased singing artist Andrew Roy Gibb (a.k.a. Andy Gibb). (Case Number HQS2011000067).
- On April 19, 2011, **Sean Riordan**, a staff attorney with the **American Civil Liberties Union** in San Diego, California, requested from U.S. Customs and Border Protection (CBP) all records regarding regulations affecting aliens' access to counsel and circumstances surrounding their detainment. (Case Number CBP FOIA 2011F10489).
- On April 20, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, requested from the Department of Homeland Security (DHS) the following records: 1) any and all records of the April 19, 2011 meeting at the White House concerning immigration reform, attended by Secretary of Homeland Security Janet Napolitano; 2)

any and all records of communications concerning the April 19, 2011 meeting at the White House; 3) any and all records created or obtained in preparation for the April 19, 2011 White House meeting, including but not limited to records concerning potential invitees to the meeting; and 4) any and all records created or obtained as a result of the April 19, 2011 meeting at the White House. (Case Number DHS/OS/PRIV 11-0735).

- On April 20, 2011, **John Althen**, the FOIA Program Manager with **Judicial Watch, Inc.**, in Washington, DC, requested from U.S. **Customs and Border Protection (CBP)** the following records: 1) documents related to all bid solicitations, contract awards, blanket purchase agreements and purchase orders for less lethal weapons, launching systems and ammunition (including, but not limited to, FN 303 launching systems, Pepperball launching systems and less lethal, shotgun-fired projectiles) announced or awarded between January 1, 2007 and the date of compliance with this request; 2) documents related to all instances in which a Border Patrol Agent fired a less lethal weapon system (including the firing of less lethal, shotgun-fired projectiles) in the course of his or her official duties, other than in a training environment, between January 1, 2007 and the date of compliance with this request; and 3) documents related to the guidance, instruction and direction provided to Border Patrol Agents regarding the use of less lethal weapon (including the use of less lethal, shotgun-fired projectiles) and all records of communication regarding the drafting, review, and issuance of this guidance, instruction, and direction between January 1, 2007 and the date of compliance with this request. (Case Number FOIA 2011F10499).
- On April 20, 2011, **Samuel Murillo**, a journalist with **La Voz Arizona, Arizona Republic** in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the report regarding an individual who is hospitalized at St. Joseph Medical Center in Phoenix, after several injuries allegedly suffered after an incident on March 31, 2011 with CBP officers at the San Luis, Arizona Port of entry. (Case Number CBP FOIA 2011F10439).
- On April 20, 2011, **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928** in Lincoln, Nebraska, requested from the United States Citizenship and Immigration Services (USCIS) copies of eligible applicants' resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-423825-NSC. (Case Number HQS2011000068).
- On April 20, 2011, **Mark Whetstone**, President of **American Federation of Government Employees, AFL-CIO Local 3928** in Lincoln, Nebraska, requested from the United States Citizenship and Immigration Services (USCIS) copies of eligible applicants resumes, rankings/scores, ranking and scores related to interviews, ranking and scores related to personal references and all correspondence relating to vacancy CIS-PJN-352577-FDS. (Case Number HQS2011000069).

- On April 21, 2011, **Shawn Hils**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the Department of Homeland Security (DHS) all direct correspondence between U.S. Representative Dean Heller (R-NV-2) or his staff and DHS, including letters, reports, requests, and other relevant material from January 1, 2006 - present. (Case Number 11-0739).

Late Requests

- On March 22, 2011, **Anjan Mukherjee**, a representative of the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding U.S. Senator Scott Brown (R-MA) from February 4, 2010 to the present. (Case Number 2011FOIA7183).
- On April 1, 2011, **Mark Fleming**, National Litigation Coordinator for the **National Immigrant Justice Center** in Chicago, Illinois, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) copies of existing intergovernmental service agreements (“IGSAs”) entered into by Department Homeland Security (DHS)/ICE, the U.S. Marshals Service, the Office of the Federal Detention Trustee of any other federal government entity to house immigrant detainees at the (1) Jefferson County Jail located in Mount Vernon, Jefferson County, Illinois and (2) the Tri-County Detention Center located in Ullin, Pulaski County, Illinois; and 2) copies of detention facility reviews, audits, and inspections conducted by ICE/ERO or by any private entity contracted by ICE/ERO, such as the Nakamoto Group of the 1) Jefferson County Jail, and 2) Tri-County Detention Center, in fiscal years 2007, 2008, 2009, 2010, and 2011. (Case Number 2011FOIA7124).
- On April 4, 2011, **Vicki Hart**, a journalist with the **Tucson Weekly** in Tucson, Arizona, requested from U.S. Immigration and Customs Enforcement records relating to the deportation history of a Mexican citizen wanted for the murder of Martha Flores on March 14, 2008. (Case Number 2011FOIA7246).
- On April 5, 2011, **Susan Long**, Co-director of **Transactional Records Access Clearinghouse (TRAC)** at Syracuse University in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of “augmented” FOIA logs on interim and final responses issued from March 15, 2011 through March 31, 2011. (Case Number 2011FOIA7222).
- On April 6, 2011, **Ross Weinstein**, a representative from **George Washington University, School of Public Health and Health Services** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) copies of health care worker certificates submitted to USCIS by the Foreign Credentialing Commission on Physical Therapy (FCCPT). (Case number COW2011000314)
- On April 11, 2011, **Tony D’Astoli**, a journalist with **FOX 13-WTVT** in Tampa, Florida, requested from U.S. Immigration and Customs

Enforcement (ICE) a list of all aliens in Florida that have been placed on an Order of Supervision, the offense they were serving time for, the date the Order of Supervision was started and the facility they were released from. (Case Number 2011FOIA7354).

- On April 12, 2011, **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the following records: 1) any and all correspondence, including but not limited to email, letters, meeting records, etc, regarding immigration case dismissals and/or prosecutorial guidance from June 1, 2010 to present; and 2) any and all correspondence regarding the case dismissals and/or prosecutorial guidance involving several identified ICE employees and leadership from June 1, 2010 to present. (Case Number 2011FOIA7365)
- [REQUESTED COMPONENT SEND E-COPY OF REQUEST] On April 13, 2011, **Rebekah Cowell**, a freelance contributor with **Independent Weekly** in Durham, North Carolina, requested from U.S. Immigration and Customs Enforcement (ICE) copies of all correspondence since November 2008 between city staff of the following North Carolina counties: Wake County; New Hanover County;;Buncombe County;;Gaston County; Henderson County and ICE regarding the federal agency's activities in city facilities. (Case Number 2011FOIA7424).

III. FOIA Releases

- On April 5, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **M.L. Elrick**, a reporter with the **Detroit Free Press** in Detroit, Michigan, a no records determination in response to their request seeking all material related to Detroit ICE's investigation of (b)(6) who was convicted of dealing ecstasy in the city of Detroit. (Case Number 2011FOIA6028).
- On April 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, 100 pages of documents and three spreadsheets that originated from ICE's Chief Counsel Offices in Houston pertaining to her request seeking records relating to immigration case dismissals and prosecutorial guidance from ICE Offices within Houston, Texas, between June 1, 2010 and the present. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number 2011FOIA324).
- On April 7, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Angela Turner**, a reporter with **The Journal Gazette** in Fort Wayne, Indiana, one (1) page pertaining to her request seeking records relating to the number of criminal aliens whose deportation process began in Indiana from October 1, 2005 through the present. These records were released in full. (Case Number 2011FOIA2612).
- On April 8, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Theodore Emery**, an editor with the **Congressional Quarterly**

in Washington, DC, a no record determination pertaining to his request seeking copies of any and all memoranda to or from Director John Morton regarding guidance for proposed, recommended, or final administration policy changes at ICE with respect to immigration enforcement and removal policy. (Case Number 2011FOIA2674).

- On April 8, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, 89 pages responsive to his request seeking all 2009 and 2010 inspections, audits, annual reviews, detention center compliance reviews, detention standards reviews of the Irwin County Detention Center in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 2011FOIA4264).
- On April 13, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Shannon Dininny**, a reporter with *The Associated Press* in Yakima, Washington, a full denial to her request seeking the number of officers and other staff members involved with the January 20, 2011 arrest in Ellensburg, Washington, related to an investigation into counterfeit citizenship documents. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA5068).
- On April 15, 2011, the Office of Inspector General (OIG) released to **Amrit Singh**, the senior legal officer for National Security and Counterterrorism at the **Open Society Justice Initiative** in New York, New York, 171 pages of work papers pertaining to OIG's inspection #OIG-08-18, entitled "The Removal of a Canadian Citizen to Syria." Portions of this response were withheld pursuant to FOIA exemptions (b)(1), (b)(5), (b)(6), and (b)(7)(C). (Case Number OIG #2010-187).
- On April 15, 2011, U.S. Customs and Border Protection (CBP) released to Cori Crider, Legal Director with Reprieve in London, United Kingdom, 21 pages consisting of TECS records. Portions of this response were withheld pursuant to FOIA exemptions (b)(3), (b)(6), (b)(7)(C) and (b)(7)(E). An additional 24 pages were referred to the Federal Bureau of Investigation (FBI) for review and potential release with similar exemptions. (Case Number DHS/OS/PRIV 10-0879).
- On March 16, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-director with **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 17 pages responsive to her request seeking records relating to the FOIA request tracking system. These records were released in full. (Case Number 2011FOIA6719).
- On March 17, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Keegan Hamilton**, a blogger with the **Seattle Weekly** in Seattle, Washington, a full denial to his request seeking all search warrants, arrest warrants, and search warrant affidavits related to the ICE investigation into the manufacture and purchase of counterfeit identity and employment documents in Ellensburg, Washington, on January 20, 2011. These pages

were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA6024).

- On March 18, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Martha Mendoza**, a reporter with *The Associated Press* in Santa Cruz, California, a full denial to her request seeking records relating to the murder of 72 immigrants in Mexico's northern state of Tamaulipas on or about August 25, 2010. These pages were withheld in full pursuant to FOIA Exemption (b)(7)(A). (Case Number 2011FOIA5917)
- On April 19, 2011, the United States Coast Guard (USCG) released to **Laura Strickler**, a producer for CBS News in Washington, DC, 2 pages responsive to her request seeking records related to a 27-foot National Oceanic and Atmospheric Administration (NOAA) law enforcement vessel that was inspected by the USCG in 2008 and is currently located in Seattle, Washington. (Case Number 2011FOIA1375).
- On April 19, 2011, the United States Coast Guard (USCG) released to **Matt Jenkins**, a writer for **High Country News** in Berkeley, California, 433 pages of material consisting of boardings, enforcements, and investigation reports. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). (Case Number 2009FOIA0344).
- On April 19, 2011, the United States Coast Guard (USCG) released to **Rachel Lippmann**, a news producer with the **St. Louis Public Radio** in St. Louis, Missouri, the activity number to the investigation and the link to the CGMIX website to review a copy of the document requested. These records were released in full. (Case Number 2011FOIA1795).
- On April 20, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jeremy Redmon**, a reporter with **The Atlanta Journal-Constitution** in Atlanta, Georgia, 11 pages responsive to his request seeking all contracts, agreements, or memoranda of understanding (MOUs) concerning the placement of ICE detainees at the Irwin County Detention Center in Georgia. Portions of this response were withheld pursuant to FOIA Exemptions (b)(4) and (b)(6). (Case Number 2011FOIA4265).
- On April 20, 2011, the Federal Emergency Management Agency (FEMA) recommended to the Department of State (DOS) full disclosure of 162 pages of documents responsive to the request from the **Department of Foreign Affairs Canada**, seeking the complete text of the Civil Assistance Plan signed by Canada and the United States on February 14, 2008. (Case Number DOS 200901979, DHS/OS/PRIV 11-0441, and FEMA 11-326).
- On April 21, 2011, United States Citizenship and Immigration Services (USCIS) released to **Thomas Dublin**, an individual in Brackney, Pennsylvania, 90 pages responsive to his request seeking records pertaining to the legal disposition or settlement of a class action lawsuit filed in 1994 where African American employees from Immigration Naturalization Services (INS) filed a lawsuit against the agency claiming

systematic discrimination in the administration of the agency. These records were released in full. (Case Number NRC2009072083).

IV. FOIA Appeals

- On April 15, 2011, **Leon Howard**, a Staff Attorney with the **American Civil Liberties Union of New Mexico** in Albuquerque, New Mexico, appealed the response from U.S. Customs and Border Protection (CBP) denying his request for a fee waiver related to his request for documents pertaining to the policy and activities of the El Paso Sector Border Patrol within 100 and 25 miles of the U.S. – Mexico border.
- On April 20, 2011, **Andrew Becker**, a Staff Reporter at the **Center for Investigative Reporting** in Berkeley, California, appealed the response from U.S. Customs and Border Protection (CBP) to his request for official photographs of forty-one (41) CBP employees who had been arrested, charged, convicted, and/or sentenced on corruption-related charges from 2003 to present.

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Judicial Watch, Inc., v. United States Department of Homeland Security*, (1-11-cv-00606-GK), Plaintiff filed a complaint March 23, 2011, claiming constructive denial to their request for records relating to deferred action. ICE is seeking a 30-day extension to file the answer, which would allow them time to complete the processing of all responsive records and send them to the requestor before filing our answer.
- In the matter of *Judicial Watch v. United States Department of Homeland Security*, (D.D.C. 11-CV-604), Plaintiff filed a complaint March 23, 2011, claiming constructive denial to their request for records relating to the systematic review of pending immigration cases in Houston, Texas. ICE is seeking a 30-day extension to file the answer, which would allow them time to complete the review of the already-processed responsive records and send them to the Plaintiff before filing our answer.
- In the matter of *Judicial Watch, Inc., v. United States Department of Homeland Security*, (1-11-cv-00725), Plaintiff filed a complaint April 14, 2011, claiming constructive denial to their request for records relating to the Carlos Marinelly-Mantano, an unlawfully present alien charged with killing a Benedictine nun and injuring two others in an August 2010 drunk driving incident in Prince William County, Virginia.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.* (S.D.N.Y. 10-3488), (Secure Communities Case): ICE is processing I-213 narratives and working to produce a document containing corresponding data for a data sample of several

hundred individuals identified through the CAP and Secure Communities programs for the plaintiffs. A hearing was held on April 21, 2011, on ICE's motion for a stay of the Court's order on metadata pending appeal to the 2nd Circuit.

- In the matter of *Families for Freedom v. ICE*, (S.D.N.Y. 10-8354), U.S. Immigration and Customs Enforcement (ICE) has completed the processing of a spreadsheet containing anonymous data on every alien detained in the New York area of responsibility from 2004 through 2010. This spreadsheet will be provided to the plaintiffs in accordance with a settlement agreement that will be sent to the Court for approval on Friday, April 22, 2011, once that agreement is approved.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 22 - 28, 2011

Privacy Office

May 2, 2011

Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On April 21, 2011, United States Citizenship and Immigration Services (USCIS) invited stakeholders to participate in a teleconference to discuss issues affecting refugees, asylees, and other noncitizens. In part one, USCIS, the Social Security Administration (SSA), and the Department of Health and Human Services (HHS) discussed the expiration of Supplemental Security Income (SSI) benefits refugees and other noncitizens, identified available citizenship preparation resources, and explored ways to disseminate information to the affected population. In part two, USCIS, U.S. Customs and Border Protection (CBP), and the Department of State (DOS) outlined their respective roles in the derivative refugee and asylee immigration process and discussed how benefit-granting agencies verify the immigration status of these individuals. A detailed executive summary will be available at a later time.
- On April 22, 2011, United States Citizenship and Immigration Services (USCIS) posted the policy memorandum entitled "Procedures for Recommending Revocation of a U.S. Passport to the Department of State; Adjudicators Field Manual, Chapter 83 (AFM Update AD 10-46)" on its public website for stakeholder review and comment. The purpose of this memorandum is to provide guidance to USCIS employees regarding requests for revocation of U.S. Passports, as established by communication from the Department of State (DOS). The period for comments ends May 5, 2011.

II. **FOIA Requests**

- On April 22, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) a list of all current and former contractors, subcontractors, rehired annuitants and/or other individuals who work on contracts for ICE as part of the Secure Communities program, including: 1) the date the contractor/subcontractor/rehired annuitant/other individual; 2) the monetary value of the contract or agreement awarded; the length of the contract awarded; 3) the award/contract number; 4) the date the contract ended or was terminated; and 5) the reason why the contract ended or was terminated. (Case Number 2011FOIA7590)
- On April 25, 2011, **Juan O. Tamayo**, a reporter with the ***Miami Herald*** in Miami, Florida, requested from the United States Coast Guard (USCG) a copy of all entries in the log of the USCG's 7th District based in Miami, of the tugboat MUHEET and the barges it was towing when its motor stopped and began drifting near Cuban waters from the period of

November 26, 2010 to December 11, 2010. (Case Number 2011FOIA2231).

- On April 26, 2011, **Lewis Kamb**, a reporter with *The (Tacoma) News Tribune* in Tacoma, Washington, requested the following from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) access to and copies of any and all emergency, contingency and/or evacuation plans for the Northwest Detention Center; 2) a contractor-owned/contractor-operated, immigration detention facility located in Tacoma, Washington, as referenced in the ICE/DRO Detention Standard, since January 1, 2004 to the present date; 3) any and all Memoranda of Understanding (MOU), written agreements and/or contracts between the Northwest Detention, Center, its current and/or past operator/owners and/or ICE/DRO, with any and all local, state and federal law enforcement agencies, as referenced in the ICE/DRO Detention Standard, from January 1, 2000 to the present date; and 4) any and all contracts, RFPs, RFQs, bid proposals, bid solicitation, bid applications, contract performance work statements and/or any and all other records related to the solicitation, procurement and/or award of federal contracts regarding immigration detention operations in Washington State from January 1, 2000 to the present date. (Case Number 2011FOIA7593).
- On April 26, 2011, **Susan Carroll**, a reporter with the *Houston Chronicle* in Houston, Texas, requested from U.S. Immigration and Customs Enforcement (ICE) records of complaints/offenses and disciplinary outcomes by GS level, listing the offense and the resulting corrective/disciplinary action. (Case Number 2011FOIA7597).
- On April 26, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) records regarding numerous ENFORCE (EID) detention facilities related tables. (Case Number 2011FOIA7600).
- On April 27, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) alien-by-alien anonymous data covering all individuals against whom the Department of Homeland Security (DHS) has filed charges in Immigration Court. (Case Number 2011FOIA7607).
- On April 26, 2011, **Susan Long**, Co-director of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) alien-by-alien, detention facility-by-detention facility, anonymous data covering all individuals who have been detained, released, or were in ICE custody since October 1, 1998. (Case Number 2011FOIA7601).
- On April 26, 2011, **Ruthie Epstein**, with **Human Rights First** in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a detailed demographic breakdown of the ICE detainee

population for “any single day” in calendar year 2011. (Case Number 2011FOIA7604).

- On April 27, 2011, **Jeff McDonald**, a staff writer with *The San Diego Union-Tribune* in San Diego, California, requested from U.S. Customs and Border Protection (CBP) copies of any letters, demands for payment, notices of debt, improper tariff classifications, settlement agreements or other records sent by CBP to Directed Electronics, Inc., DEI Headquarters Inc., or DEI Holdings Inc., since January 1, 2010. (Case Number CBP FOIA # 2011F10811).
- On April 27, 2011, **Catherine Rentz**, a journalist with **PBS Frontline** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the results of the ICE report looking into alleged misconduct and abuse at the Willacy Detention Center in Raymondville, Texas. (Case Number 2011FOIA7608). This request is a follow up from an April 1, 2011 interview with Kumar Kibble.

Late Requests

- On April 4, 2011, **Jefferson Morley**, an author in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) any and all files or record relating to George E. Joannides and the Directorio Revolucionario Estudiantil between December 1962 and April 1964. (Case Number COW2011000335).
- On April 5, 2011, **Leah Nysten**, a reporter with *Bloomberg News* in Washington, DC, requested from the United States Citizenship Services (USCIS) the solicitation of statement of work under the GSA’s Network Universal contract and the subsequent GAO bid protest B-404845.1. (Case Number CNT2011000019).
- On April 7, 2011, **Robin Stein**, a reporter with *Dan Rather Reports* in New York, New York, requested from the United States Citizenship Services (USCIS) the following records: 1) case data for non-immigrant worker visa petitions from 2005 – present; 2) application data for employment authorization from 2005 – present; and 3) any and all records related to the review of L visa abuse by the Fraud Detection and National Security directorate cited by Senator Chuck Grassley (R-IA) in his letter to DHS Secretary Napolitano on May 27, 2010. (Case Number COW2011000332).
- On April 11, 2011, **Meg Stalcup**, a reporter with the *Washington Monthly* in Washington, DC, requested from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. (Case Number CRCL 11-04-01).
- On April 12, 2011, **Mike McIntire**, a reporter with the *New York Times* in Washington, D.C., requested from the Department of Homeland Security (DHS) Office for Civil Rights and Civil Liberties (CRCL) copies of any records as they pertain to a 2005 Federal Law Enforcement

Training Center (FLETC) EEO course investigation. (Case Number CRCL 11-04-02).

- On April 13, 2011, **Shawn Hills**, a researcher with the **Democratic Senatorial Campaign Committee (DSCC)** in Washington, DC, requested from the United States Citizenship and Immigration Services (USCIS) all correspondence and other information requested by or provided to U.S. Representative Dean Heller (R-NV-2) from January 4, 2006 – Present. (Case Number COW2011000336).

III. FOIA Releases

- On April 22, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Susan Carroll**, a reporter with *The Houston Chronicle* in Houston, Texas, a no records determination to her request seeking any documents/records/memos/reports, etc to or from David C. Palmatier regarding staffing, resources and/or technical (including IT) issues for ICE's Law Enforcement Support Center (LESC) from October 1, 2008. (Case Number 2011FOIA5842).
- On April 22, 2011, the United States Coast Guard (USCG) released to **Lucy Dalglish**, Executive Director with the **Reporters Committee for Freedom of the Press** in Arlington, Virginia, 63 pages of material consisting of emails, letters, rules, and memos responsive to her request seeking: 1) all documents reflecting and/or memorializing the new procedures for media access to boom safety zones established by Admiral Thad Allen's July 12, 2010 statement; 2) all documents detailing procedures and/or standards employed by government or private officials for media credentialing under the new procedures for access to boom safety areas announced by Admiral Thad Allen on July 12, 2010; 3) all documents received and/or generated regarding applications to receive a media credential under as well as all documents generated in response to all such applications, including but not limited to, documents detailing denials or grants of applications; and 4) a complete and accurate sample copy of all versions of any media credential intended to be issued to the media in accordance with the revised media access policy announced July 12, 2010. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number 2010FOIA2827).
- On April 26, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **David Shapiro**, a staff attorney with the **American Civil Liberties Union (ACLU) National Prison Project** in Washington, DC, 113 pages of documents that originated from the OPR JICMS database relating to his request seeking records regarding allegations of sexual abuse against immigration detainees. Portions of the release were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). ICE continues to process documents and will release records on a rolling basis. (Case Number 2011FOIA4893).
- On April 28, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Jennifer Caballero**, a student with the **Georgetown**

University Law Center in Washington, DC, 349 pages of records pertaining to her request seeking various information relating to ICE detainees. Portions of the release were withheld pursuant to FOIA exemptions (b)(6), (b)(7)(C) and (b)(7)(E). (Case Number 2011FOIA1816).

- On April 28, 2011, the Office of Inspector General (OIG) released to **Tania Galloni**, an attorney with the **Florida Immigrant Advocacy Center, Inc.**, in Miami, Florida, 26 pages and includes an OIG report of investigation. Portions of the release were withheld pursuant to FOIA exemptions (b)(6) and (b)(7)(C). Please note that these records were also originally released in OIG's response to David Shapiro, of the ACLU (OIG FOIA #2010-028).
- On April 28, 2011, Office of Inspector General (OIG) released to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, 2 Excel worksheets responsive to his request seeking a statistical breakdown, by FY, state, and agency of all criminal investigations related to U.S. Customs and Border Protection (CBP), United States Citizenship and Immigration Services (USCIS) and U.S. Immigration and Customs Enforcement (ICE) from 2003 to present, including a breakdown of investigations leading to arrests, indictments, and convictions. These records were released in full. (Case Number 2011-100).
- On April 29, 2011, the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) released to **Mike McIntire**, a writer with *The New York Times* in New York, New York, 54 pages of records responsive to his request seeking copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number CRCL 11-04-002).
- On April 29, 2011, the Department of Homeland Security (DHS) Office for Civil Rights & Civil Liberties (CRCL) released to **Meg Stalcup**, a writer with the *Washington Monthly* in Seattle, Washington, 54 pages of records responsive to her request seeking copies of any records as they pertain to a 2005 Federal Law Enforcement Training Center (FLETC) EEO course investigation. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number CRCL 11-04-001).

IV. FOIA Appeals

- On April 7, 2011, **Karen Tumlin**, Managing Attorney with the **National Immigration Law Center** in Los Angeles, California, appealed the response from U.S. Customs and Border Protection (CBP) denying her requests for fee waiver, news media status, and expedited treatment related to her FOIA request # 2011F060200 for documents pertaining to CBP's efforts to question, fingerprint, and process undocumented immigrants

voluntarily leaving the United States and returning to Mexico. (Case Number H162138).

V. FOIA Appeal Releases and Determinations

- On April 28, 2011, U.S. Customs and Border Protection (CBP) released to **David Nachman**, an attorney with **DLA Piper** in New York, New York, representing the non-profit network Appleseed, 111 pages of policy documents related to his FOIA request #2010F06198 for various records related to the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008. Portions of this response were withheld pursuant to Freedom of Information Act exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number H145088MBP).
- On April 29, 2011, U.S. Customs and Border Protection (CBP) granted **Robert Deasy**, Liaison and Information Director for the **American Immigration Lawyers Association** in Washington, DC, a public interest fee waiver for the request related to his request for various statistics pertaining to the processing of individuals at the U.S. border. (Case Number H157732MBP).

VI. Lawsuits

- In the matter of *Rodriguez v. DOJ, et al.*, (D.D.C. 11-cv-00556), Plaintiff filed a complaint March 18, 2011, claiming constructive denial pertaining to their request for records relating to relating to himself. ICE did not receive the summons and complaint until April 26, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of April 29 – May 5, 2011

Privacy Office

May 9, 2011

Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On April 28, 2011, United States Citizenship and Immigration Services (USCIS), Office of Public Engagement, hosted a teleconference to discuss the evidentiary standards of the “O” nonimmigrant classification. USCIS used this opportunity to solicit stakeholder feedback on the evaluation of evidence submitted with Form I-129, Petition for Nonimmigrant Worker, when filed on behalf of O-1 nonimmigrants, as well as the adjudicatory standards for these petitions within the current regulatory framework. USCIS sought this input to consider when drafting a policy memorandum on this subject. The draft memo is designed to ensure consistency in adjudication of petitions filed under the O-1 classification and to clarify the adjudication standards for these petitions. A detailed executive summary is forthcoming.
- On April 30, 2011, United States Citizenship and Immigration Services (USCIS), Office of Public Engagement, invited customers and stakeholders to participate in “Enlace,” a free, Spanish-language event at which USCIS shared agency updates, presented on the topic of “How to Navigate U.S. Citizenship,” and provided an open forum to respond to questions. USCIS posted a PowerPoint presentation from the session on its public website.
- On May 2, 2011, United States Citizenship and Immigration Services (USCIS) announced that they have fully implemented the Secure Mail Initiative (SMI), which uses U.S. Postal Service (USPS) Priority Mail with delivery confirmation to transmit certain immigration documents safely, securely, and timely. The SMI enables USCIS to use USPS online-tracking information to confirm delivery of permanent resident cards and documents pertaining to travel and employment authorization. The same information allows USCIS customers to stay up-to-date on the delivery status of their documents.

II. FOIA Requests

- On April 29, 2011, **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all monthly White House Dashboard Reports prepared by ICE, which generally include monthly numbers of ICE administrative and criminal arrests; 2) a list of the actual recipients of the dashboard report; and 3) a list of actual senders. (Case Number 2011FOIA7714).

- On May 4, 2011, **Andrew Becker**, a reporter with the *Center for Investigative Reporting* in Berkeley, California, requested from U.S. Customs and Border Protection (CBP) copies of the following records: 1) the number of Department of Homeland Security (DHS) Form I-862, “Notice to Appear” charging documents, filed by CBP (including U.S. Border Patrol) with the Executive Office for Immigration Review (Immigration courts) for each fiscal year 2006 to date, with a nationwide breakdown by CBP OFO Field Office, Border Patrol Sector, and/or any other CBP offices; and 2) the number of DHS Form I-862 “Notice to Appear” charging documents and/or cases referred by CBP to U.S. Immigration and Customs Enforcement (ICE) for removal proceedings within the Executive Office for Immigration Review for fiscal years 2006 to present. (Case Number 2011F11113).
- On April 29, 2011, **Jared Dillingham**, a reporter with *KTVK – 3TV* in Phoenix, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) a copy of personnel records of officers who have been terminated from the Yuma and Tucson sectors in Arizona between January 2007 – to the present; and 2) copies of the investigation material and final findings of their terminations. (Case Number 2011F10870).
- On April 29, 2011, **David Goldstein**, Washington correspondent with *The Kansas City Star/McClatchy Newspapers* in Washington, DC, requested from the Department of Homeland Security (DHS) the following documents in the possession of the Department of Homeland Security: 1) any and all correspondence, in the form of letters and emails, as well as memos or summaries related to meetings, discussions or telephone conversations, and any other written accounts regarding the selection of a site for a biodefense laboratory to replace the existing facility at Plum Island, N.Y., between Senator Charles Patrick “Pat” Roberts (R-LA), or his office, and officials of DHS between 2005 – 2009; and 2) any and all correspondence, in the form of letters and emails, as well as memos or summaries related to meetings, discussions or telephone conversations, and any other written accounts regarding the selection of a site for a biodefense laboratory to replace the existing facility at Plum Island, N.Y., between Senator Samuel Dale “Sam” Brownback (R-KS), or his office, and officials of DHS between 2005 – 2009. (Case Number 11-0772).
- On April 29, 2011, **Catherine Rentz**, a field producer with the **American University School of Communication’s Investigative Reporting Workshop and PBS FRONTLINE** partnership in Washington, DC, requested from the Department of Homeland Security (DHS) access to and copies of Dora B. Schriro’s calendar and appointments from January 1, 2009 to September 30, 2009. (Case Number 11-0773).
- On May 3, 2011, **Ben Fox**, Chief of Caribbean News with *The Associated Press* in Guaynabo, Puerto Rico, requested from U.S. Immigration and Customs Enforcement (ICE) any and all incident reports, logs or other records, sufficient to provide details about any and all discoveries or

seizures by security personnel of contraband, including marijuana, other narcotics or weapons, at the Guantanamo Bay Naval Station between January 1, 2002 and October 31, 2010. (Case Number 2011FOIA7924).

- On May 3, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch, Inc.**, in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) the number of illegal immigrants transferred from a state or local jurisdiction into ICE custody; 2) the number of illegal immigrants deported by ICE after taking over custody from a state or local jurisdiction; and 3) the number of illegal immigrants released by ICE after taking over custody from a state or local jurisdiction. The time frame of the request is January 1, 2008 to April 26, 2011. (Case Number 2011FOIA7897).
- On May 3, 2011, **Susan Long**, Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) a complete set of documentation on the Alien Criminal Response Information Management (ACRIME) System. (Case Number 2011FOIA7907).
- On May 4, 2011, **Susan Long**, Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the request letter, final response letter, and the actual records released in the following FOIA cases: 1) 2011FOIA-0001; 2) 2011FOIA-5621; and 3) 2011-FOIA-6688. (Case Number 2011FOIA7911).
- On May 3, 2011, **Joseph Rosenbloom**, a freelance reporter in Newton, Massachusetts, requested from U.S. Immigration and Customs Enforcement (ICE) all documents related to complaints since January 1, 2010 about medical or other health services rendered at detention centers within the ICE jurisdiction of the Boston, El Paso, and New Orleans field offices. (Case Number 2011FOIA7895).
- On May 3, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from United States Citizenship and Immigration Services (USCIS) all documents pertaining to the processing of his FOIA request for Barack Obama Senior's A-file, assigned the tracking number HQS2010000119. The documents are to include all internal and external communication concerning his request, all reports of significant FOIA activity, which mention the request from each Department of Homeland Security (DHS) component FOIA offices, all Department of Homeland Security (DHS) cabinet reports to the White House, which mentions the request and any other record created in processing the FOIA request. (Case Number USCIS Smathers).
- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records concerning the processing of the FOIA request which was assigned the tracking number HQS2010000119, including, but not limited to: 1) all internal and external communication concerning this request; 2) all reports of significant FOIA activity which mention this

request; 3) all DHS cabinet reports to the White House which mention this request; and 4) any other record created in processing FOIA request HQS2010000119. (Case Number 11-0765).

- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all reports of significant FOIA activity received from all DHS component FOIA offices by the DHS Privacy Office in April of 2011 to include the responsive records for each DHS component. (Case Number 11-0763).
- On April 28, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all weekly cabinet reports to the White House created from April 12, 2011, through the date this request is processed. (Case Number 11-0764).
- On May 3, 2011, the Department of Justice (DOJ), Office of Information Policy, referred to the Department of Homeland Security (DHS) a third and fourth set of documents responsive to a request from **David Sobel**, Senior Counsel with **Electronic Frontier (EFF)** in Washington, DC, seeking records that concern, discuss, or reflect the work or deliberations of the HLCG, excluding any logistical information. (Case Numbers 11-0778 and 11-0779).
- On May 4, 2011, **Phillip Rawls**, a reporter with *The Associated Press* in Montgomery, Alabama, requested from the Federal Emergency Management Agency (FEMA) all emails, faxes, meeting notes and a list of meeting participants, internal reports and status documents pertaining to preparations for and response to tornadoes that hit southern states around April 27-28, 2011. (Case Number 11-493).
- On May 4, 2011, **Ray Henry**, a reporter with *The Associated Press* in Atlanta, Georgia, requested from the Federal Emergency Management Agency (FEMA) all emails, faxes, meeting notes and a list of meeting participants, internal reports and status documents related to the impact of severe weather that struck the southeastern United States after April 15, 2011 on nuclear power plants. (Case Number 11-500).
- On May 5, 2011, the Department of the Navy referred to the United States Coast Guard (USCG) a request from **Claudette Juska**, a research specialist with **Greenpeace** in Washington, DC, seeking all documents concerning details of any and all U.S. Navy flights for whale and dolphin sightings in the Gulf of Mexico region following the BP Deepwater Horizon disaster. (Case Number 2011FOIA2356).
- On May 5, 2011, **Josh Margolin**, a reporter with **The New York Post** in New York, New York, requested from the Department of Homeland Security (DHS) any and all records in all printed and electronic formats concerning Osama Bin Laden (March 10, 1957-May 2, 2011), his life, his role in Al Qaeda, and the operation that led to his death. (Case Number 11-0785).

III. FOIA Releases

- On April 8, 2011, the United States Coast Guard (USCG) issued to **Gary Kubota**, a reporter with the *Honolulu Star-Advertiser* in Honolulu, Hawaii, a no records determination in response to his request seeking a copy of the USCG investigation report into a plane crash that occurred on February 15, 2011, in Hanapepe, Hawaii, that involved an Airborne WindSport Edge XT-912-L, registration N29EP. (Case Number 2011FOIA2132).
- On April 28, 2011, United States Citizenship and Immigration Services (USCIS) released to **Laurence Jarvik**, a journalist in Washington, DC, 1,535 pages pertaining to his request for Department of Homeland Security (DHS) policies and procedures that authorized persons accused of terrorism by the Government of Uzbekistan, to immigrate, reside/relocate within the United States, after the 2005 uprising in Andijan, Uzbekistan. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), and (b)(7)(C). (Case Number NRC2009074526).
- On May 2, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Long**, Co-Director of **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, 186 pages responsive to her request for “augmented” FOIA logs on interim and final responses issued between March 1 and March 15, 2011. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA6926).
- On May 3, 2011, United States Citizenship and Immigration Services (USCIS) released to **Michael Ravnitzky** a self-proclaimed journalist in Silver Spring, Maryland, 106 pages pertaining to his FOIA request for the administrative tracking files, request letters, and response letters for Freedom of Information Act requests relating to “Attack on America.” Portions of this response were withheld pursuant to FOIA Exemptions (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number NRC2010000520).
- On May 4, 2011, the Office of Inspector General (OIG) released to **Michel Marizco**, a field correspondent with **KJZZ Arizona Public Radio** in Tucson, Arizona, two pages responsive to his request seeking the number of corruption investigations involving U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) employees opened by OIG in California, Arizona, New Mexico, Nevada and Texas during calendar years 2008 - 2010. These records were released in full. (Case Number OIG FOIA #2011-105).
- On May 4, 2011, United States Citizenship and Immigration Services (USCIS) issued to **Aliya Sternstein**, Senior Correspondent with *Government Executive* magazine, in Washington, DC, a no records determination pertaining to her request seeking records relating to an April 2009 SIR referencing “rogue” information technology system that handled I-918 forms at the Vermont Service Center. (Case DHS/OS/PRIV 11-0602 and USCIS case COW2011000276).

- On May 5, 2011, the United States Coast Guard (USCG) released to **Matthew Brown**, a correspondent with *The Associated Press* in Billings, Montana, an Excel spreadsheet listing National Response Center (NRC) incident reports. These records were released in full. (Case Number 2011FOIA2184).
- On May 5, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Maria Sacchetti**, a staff writer with *The Boston Globe* in Boston, Massachusetts, a GLOMAR response regarding the January 11, 2010, seizure of \$60,000 total from (b) (6) Logan International Airport in Boston. (Case Number 2011FOIA7993).
- On May 5, 2011, the Department of Homeland Security (DHS) released to **David Sobel**, Senior Counsel with **Electronic Frontier (EFF)** in Washington, DC, 25 pages responsive to his request seeking records created since January 20, 2009, concerning, discussing, or reflecting the work or deliberations of the HLCG, excluding any logistical information. The case is currently in litigation and DOJ's Criminal Division had referred the records to DHS. (Case Number DHS/OS/PRIV 11-0161).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Families for Freedom v. ICE*, (S.D.N.Y. 10-8354), U.S. Immigration and Customs Enforcement (ICE) has completed processing a spreadsheet containing anonymous data on every alien detained in the New York "area of responsibility" from 2004 through 2010. This spreadsheet was provided to the plaintiffs in accordance with a settlement agreement on Friday, April 29, 2011. The Court signed the stipulated settlement agreement on April 29, 2011 as well.
- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), (Secure Communities Case): ICE provided the first set of I-213 narratives to the plaintiffs on Friday, April 29, 2011. Four additional batches have been processed and are pending OPLA review. These batches are due to the plaintiffs on May 13, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 6 – 12, 2011

Privacy Office

May 16, 2011

Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 2, 2011, the United States Citizenship and Immigration Services (USCIS), National Benefits Center, engaged with its national stakeholders to provide an overview of the center's history, leadership, mission, and caseload. The PowerPoint presentation from the session, now posted on the USCIS public website, also contains key contact information.
- On May 2, 2011, the United States Citizenship and Immigration Services (USCIS) posted the interim memorandum entitled "Additional Guidance to the Field on Giving Deference to Prior Determinations of H-1B Cap Exemption Based on Affiliation" on its public website for review and comment. This memorandum provides interim guidance to give deference to prior H-1B cap exemption determinations for non-profit entities made by USCIS since June 6, 2006. USCIS is currently reviewing its overall policy on this topic. Until further guidance is issued, it will apply the procedures the memo to petitions filed by non-profit entities seeking an exemption from the statutory cap based on their affiliation with or relation to an institution of higher education. The opportunity for public comment closes May 16, 2011.
- On Monday, May 9, 2011, the U. S. Secret Service (USSS) launched an official Twitter page in an effort to promote transparency, proactively distribute information, and supplement ongoing efforts to educate the general public about its mission. . The Twitter account will be used to highlight the Secret Service's investigative mission, share press releases, distribute information to local communities hosting National Special Security Events, explore USSS history, and promote upcoming recruitment opportunities.

II. **FOIA Requests**

- On May 5, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) records pertaining to all threats against Davis Dam or Parker Dam on the Colorado River. Davis Dam creates Mohave Lake in Arizona/Nevada, while Parker Dam creates Lake Parker in Arizona/California. (Case Number DHS/OS/PRIV 11-0791).
- On May 5, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all records concerning the processing of FOIA requests with tracking numbers: 1) HQS2011000019; 2) COW2011000149; 3) HQS2011000020; 4) NRC2011027655; 5) COW2011000187; 6) NRC2010011566; 7)

NRC22010019586; 8) NRC2009041663; 9) NRC2009041959; 10) NRC2009047248; and 11) NRC2009051177. These records should include but not be limited to: 1) all internal and external communication concerning this request; 2) all reports of significant FOIA activity which mention this request; 3) all DHS cabinet reports to the White House that mention this request; 4) any other record created in processing FOIA request HQS2010000119 (USCIS); 5) the initial requests; 6) any released documents; and 7) any other communication with the requester. Please search the records created due to requirements for each DHS component FOIA office to report such activity by the 2/9/2005 Chief Privacy Officer Memo. (Case Number DHS/OS/PRIV 11-0792).

- On May 6, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Maryland, requested from the United States Citizenship and Immigration Services (USCIS) all records concerning the processing of Freedom of Information Act (FOIA) requests HQS2011000019, COW2011000149, HQS2011100020, NRC2011027655, COW2011000187, NRC2010011566, NRC2010019586, NRC2009041663, NRC2009041959, NRC2009047248 and NRC2009051177. Records requested are to include all internal and external communication, all reports of significant FOIA activity, which mentions this request, all Department of Homeland Security (DHS) cabinet reports to the White House, the initial FOIA requests, and any released documents and any other communication with the requester. (Case Number Smathers May 5).
- On May 11, 2011, **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) all memoranda sent from the Chief Privacy Officer to DHS staff working with FOIA requests, specifically seeking records to those created on or after January 20, 2009. (DHS/OS/PRIV 11-0810).
- On May 11, 2011, **Phillip Mocek**, a blogger with **MuckRock** in Somerville, Massachusetts, requested from the Department of Homeland Security (DHS) copies of the contract security guard duty register for the Henry M. Jackson Federal Building in Seattle, Washington, for April and May of 2011, along with any associated metadata. (DHS/OS/PRIV 11-0811).
- On May 6, 2011, **Matthew Kownacki**, a researcher with **Judicial Watch, Inc.**, in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) any and all records establishing or promulgating the mission of the Victim Assistance Program (VAP); 2) any and all records authorizing or illustrating VAP's organizational structure; 3) any and all SF-50's for ICE's 18 full-time VAP specialists; 4) any and all records communicating or explaining collateral duties with respect to VAP recently delegated to 250 already-employed agents of ICE; 5) any and all records instituting or indicating VAP's performance measure; 6) any and all records outlining or employing VAP performance reporting procedures; 7) any and all staff directories for VAP personnel; 8) any and all records setting forth VAP's budget for operations and administration, including those categorized according to function, geographical area, or other subdivision; 9) any and all records setting forth guidelines, policies, protocols, or procedures regarding interaction with VAP applications or anymore in the general public; and 10) all records setting forth guidelines, policies,

protocols, or procedures, including memoranda of understanding regarding interaction with VAP partners, such as law enforcement agencies, advocacy groups, community organizations, or other “stakeholders.” (Case Number 2011FOIA8290).

- On May 6, 2011, **Susan Long, Co-Director** with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) augmented FOIA logs on interim/final responses issued from April 1, 2011 through April 30, 2011. (Case Number 2011FOIA8186).
- On May 11, 2011, **Susan Long, Co-Director** with the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York, requested from U.S. Immigration and Customs Enforcement (ICE) copies of the request letters, final response letters, and actual records released in the following three FOIA cases: 1) 2011FOIA0001; 2) 2011FOIA5621; and 3) 2011FOIA6688. (Case Number 2011FOIA8479).
- On May 8, 2011, **Mike Mekelburg**, a reporter with *Ajo Copper News*, in Ajo, Arizona, requested from U.S. Customs and Border Protection (CBP) the following records: 1) the CBP Housing Program Feasibility Study (2009); and 2) the CBP Market Survey of Housing for the Area of Ajo and Why, Arizona (May 2010). (Case Number CBP FOIA # 2011F11457).
- On May 9, 2011, **Jeff Marcu**, an investigative reporter with *First Coast News* in Jacksonville, Florida, requested from U.S. Immigration and Customs Enforcement (ICE) a complete list of companies fined on final order by ICE and the amount of the fines. (Case Number 2011FOIA8346).
- On May 9, 2011, **Mac Metcalfe**, a freelance journalist with the *Juneau Empire*, in Juneau, Alaska, requested from the United States Coast Guard (USCG) records from any investigations conducted over the course of 1962 through 1964 by a joint task force consisting of the Juneau State Police Department, the Federal Bureau of Investigation (FBI), the Alaska State Troopers and the USCG into men living in Juneau who were suspected of being homosexual. (Case Number 2011FOIA2400).
- On May 10, 2011, the Department of Transportation (DOT) referred to the United States Coast Guard (USCG) a request from Todd Spangler, the Washington Correspondent for the *Detroit Free Press* in Detroit, Michigan, seeking additional information into the environmental clearance and the permit review for the Ambassador Bridge Enhancement Project. (Case Number 2011FOIA2407).
- On May 10, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from the Federal Law Enforcement Training Center (FLETC) all agency records and/or training materials created from January 1, 2008, to the present concerning the Cellebrite data extraction tools used in the Mobile Device Investigations Program to include: 1) all training manuals, presentations, video, or any other records provided to participants at the MDIP, or any similar DHS training programs; 2) the attendance list of law enforcement agencies, departments, or their representatives receiving training at MDIP, or any similar DHS training programs; 3) all records describing the capabilities, limitations, or potential uses

of the Cellebrite system, or any other system or software used for electronic data extraction; 4) a list of the “industry standard tools and software’s provided to participants of the MDIP, or any similar DHS training programs; 5) any records describing or discussing the legal requirements necessary to extract data from an electronic device when using any of the “industry standard tools and software” provided during the MDIP, or any similar DHS training programs; and 6) any records related to the subsidization or provision of Cellebrite systems, or any other system or software used for electronic data extraction, to any other law enforcement agencies. (Case Number FOIA 11-074).

- On May 10, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from U.S. Customs and Border Protection (CBP) information regarding an awarded contract to Cellebrite, a manufacturer of data extraction systems to include: 1) all records describing the frequency with which CBP utilizes Cellebrite, or any similar technology, to perform data extraction on mobile or other electronic devices; 2) all manuals, guides, or directives setting forth guidelines for the appropriate use of Cellebrite, or any other similar data extraction technology; 3) all records describing the capabilities, limitations, or potential uses of the Cellebrite system, or any other similar data extraction technology; 4) all records related to the use of the Bluetooth or infrared connectivity of the Cellebrite system, or any other similar data extraction technology, to extract data from mobile or other electronic devices; and 5) any records describing or discussing the legal requirements necessary to extract data from an electronic device when using the Cellebrite system, or any other similar data extraction technology. (Case Number CBP FOIA # 2011F11327).
- On May 10, 2011, **Meg Jones**, a reporter with the ***Milwaukee Journal Sentinel*** in Milwaukee, Wisconsin, requested from U.S. Immigration and Customs Enforcement (ICE) the final report submitted by U.S. Customs Service Milwaukee special agent in charge (b)(6), (b)(7)(C) on the discovery of the remains of two Romanian stowaways found in a shipping container at Menards in Eau Claire, Wisconsin on September 6, 2001. (Case Number 2011FOIA8398).
- On May 10, 2011, **William Theobald**, the Washington Correspondent with the ***Gannett Co., Inc.***, in Washington, DC, requested from the Department of Homeland Security (DHS) copies of all correspondence, including letters and transcripts or summaries of telephone calls, in addition to any email or other electronic communications from the following: 1) Representative Jim Cooper (D - TN); 2) Representative Marsha Blackburn (R - TN); 3) U.S. Senator Robert Phillips “Bob” Corker, Jr., (R-TN); U.S. Senator Lamar Alexander (R-TN); 4) Representative Stephen Fincher (R-TN); and 5) Representative Diane Black (R-TN). (Case Number DHS/OS/PRIV 11-0800).

Late Requests

- On May 4, 2011, **Andrew Becker**, a reporter with the ***Center for Investigative Reporting*** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) all studies of immigration enforcement surges, including any

and all prepared by and/or for the fugitive operation division in FY 2010 to present. (Case Number 2011FOIA8185).

- On April 25, 2011, **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) documents regarding ICE's Lexicon Working Group from February 2009 to the present. (Case Number 2011FOIA8471).

III. FOIA Releases

- On May 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released 204 pages of augmented FOIA logs to **Susan Long, Co-Director** of the **Transactional Records Access Clearinghouse (TRAC)** in Syracuse, New York. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number 2011FOIA7222).
- On May 10, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with the **Center for Investigative Reporting** in Berkeley, California, a Glomar response to his request seeking all emails and/or correspondence leading up to and/or resulting from the March 2011 termination of an ICE contractor and the regional coordinator of ICE's Secure Communities program. (Case Number 2011FOIA8182).
- On May 10, 2011, the Department of Homeland Security (DHS) released to **Peter Urban**, a reporter with the **Stephens Media** in Washington, DC, 17 pages of records responsive to his request seeking congressional correspondence logs from within the Executive Correspondence Tracking System (ECT) for Harry Reid (D-NV) between November 1, 2008 and October 27, 2010. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0116).
- On May 11, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Susan Carroll**, a reporter with **The Houston Chronicle** in Houston, Texas, two Excel spreadsheets responsive to her request seeking records related to the Secure Communities Program Management Office projections of the criminal alien population. These records were released in full. (Case Number 2011FOIA5829).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Jessica Culpepper**, a staff attorney with the **Humane Society of the United States** in Washington, DC, seven pages responsive to her request consisting of emails related to the implementation of the "Farm Bill" as codified at 7 U.S.C. § 2148 in the Animal Welfare Act (AWA) on May 22, 2008. Portions of this response were withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0650).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Lucy Dalglish**, a reporter with the **News Media & The Law** in Washington, DC, 137 pages of records responsive to her request seeking copies of the Weekly Significant FOIA Reports for January 2009 to the present. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0669).
- On May 11, 2011, the Transportation Security Administration (TSA) released to **Christopher Farrell**, a representative of **Judicial Watch, Inc.**, in Washington,

DC, six pages of material consisting of law enforcement reporting data back to Department of State. Portions of this response were withheld pursuant to FOIA Exemption (b)(5). (Case Number TSA Farrell May 10).

- On May 11, 2011, the Department of Homeland Security (DHS) released to the Department of State (DOS), six pages of records responsive to a request from **Ambassador Antonio O. Garza, Jr.**, Mexico City, Mexico, seeking information regarding weekly/monthly reports and news summaries from the following sections and agencies at the U.S. Embassy in Mexico City: Public Affairs Section, USAID, Economic Affairs/ESTH, and Political Affairs. Portions of this response were withheld pursuant to FOIA exemptions (b)(5) and (b)(7)E). (Case Number DHS/OS/PRIV 11-0628).
- On May 11, 2011, the Office of Inspector General (OIG) released to **Josh Margolin**, a reporter with *The New York Post*, 97 pages of documents responsive to the request. Portions of this interim response were withheld pursuant to FOIA exemptions (b)(5) and (b)(6). (Case Number OIG Margolin May 10).
- On May 11, 2011, the Department of Homeland Security (DHS) released to **Robert O'Harrow**, a reporter with the *Washington Post* in Washington, DC, 214 pages of records responsive to his request related to the ASP development program and the DNDO communication with the Government Accountability Office (GAO). Portions of this interim response were withheld pursuant to FOIA exemptions (b)(4) and (b)(6). (Case Number DHS/OS/PRIV 10-0628).
- On May 12, 2011, the U.S. Coast Guard (USCG) released to **Jerri Smitko**, a representative of Smitko & Ory in Houma, Louisiana, 182 pages consisting of reports, charts, graphs, plans and emails regarding seepage at or within ten miles of proximity to the well-head of the Macondo well between 0100 hours on July 16, 2010 and the present. Portions of this response were withheld pursuant to FOIA exemptions (b)(6) and (b)(5). (Case Number 2010FOIA2958).
- On May 13, 2011, the Department of Homeland Security (DHS) released to the Department of State (DOS), 17 pages of records responsive to a request from **Ambassador Antonio O. Garza, Jr.**, Mexico City, Mexico, seeking information regarding weekly/monthly reports and news summaries from the following sections and agencies at the U.S. Embassy in Mexico City: Public Affairs Section, USAID, Economic Affairs/ESTH, and Political Affairs. Portions of this response were withheld pursuant to FOIA exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)E). (Case Number DHS/OS/PRIV 11-0566).
- On May 13, 2011, the Department of Homeland Security (DHS) released to **David Sobel**, Senior Counsel with **Electronic Frontier Foundation (EFF)** in Washington, DC, 170 pages of records responsive to his request seeking records created since January 20, 2009, that concern, discuss or reflect the work or deliberations of the HLCG, excluding any logistical information. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5) and (b)(6). (Case Number DHS/OS/PRIV 11-0327).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Cardozo School of Law v. ICE, et al.*, (S.D.N.Y. 10-3488), (Secure Communities Case): Plaintiff filed a complaint April 27, 2010, claiming constructive denial with regard to ICE FOIA 10-2674 and that ICE improperly denied their fee waiver and request for expedited processing. On May 9, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Stokley Baksh** with **Deportation Nation** in Baltimore, Maryland, 14,117 pages responsive to their request.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 13 – May 20, 2011

Privacy Office

May 23, 2011

Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 12, 2011, United States Citizenship and Immigration Services (USCIS) invited stakeholders to participate in a teleconference regarding the interpretation of the term “specialized knowledge” and what standards and evidentiary requirements should be followed in determining eligibility for L-1B classification. (L-1B classification enables a U.S. employer to transfer a professional employee with specialized knowledge relating to the organization’s interests from one of its affiliated foreign offices to one of its offices in the United States). Specifically, USCIS sought feedback on how it should interpret the definition of specialized knowledge within the regulatory framework, as well as what relevant factors should be considered in making a determination whether a beneficiary possesses specialized knowledge as it relates to L-1B cases. A detailed executive summary will be available at a later time; the invitation and agenda are currently available from USCIS.
- On May 13, 2011, United States Citizenship and Immigration Services (USCIS) launched I-9 Central, a new online resource center focused on the most frequently accessed form on [USCIS.gov](http://uscis.gov): Form I-9, “Employee Eligibility Verification.” This free, easy-to-use website provides employers and employees simple one-click access to resources, tips, and guidance for properly completing the Form I-9 process.
- On May 16, 2011, United States Citizenship and Immigration Services (USCIS) announced that effective August 15, 2011 petitioners residing in countries without USCIS offices will be able to file a Form I-130, “[Petition for an Alien Relative](#),” with the USCIS Chicago Lockbox facility. This will increase the efficiency of the relative petition filing process and give USCIS more flexibility in managing its workload. Petitioners residing in a country with a USCIS office have the option of sending their I-130 forms to the Chicago Lockbox, or they may file their I-130 forms at the international USCIS office having jurisdiction.

II. **FOIA Requests**

- On May 16, 2011, **Josh Margolin**, a reporter with *The New York Post* in New York, New York, requested from the Department of Homeland Security (DHS) records concerning the Securing the Cities (STC) Program in the New York City metropolitan area for the period January 1, 2010, through the present. (Case Number DHS/OS/PRIV 11-0822).
- On May 16, 2011, **Michael Masnick**, a blogger with *MuckRock* in Somerville, Massachusetts, requested from the Department of Homeland

Security (DHS) any formal or informal licensing agreements between DHS and either the City of New York or NBC Universal regarding creation or dissemination of the promotional video “Antipiracy PSA,” published on March 22, 2011, at <http://youtube.com/watch?v=cs80bpx4844>. (Case Number DHS/OS/PRIV 11-0827).

- On May 16, 2011, **Stephanie Nielsen**, a researcher with the **Democratic Senatorial Campaign** Committee in Washington, DC, requested from the Department of Homeland Security (DHS) all communications between DHS and Vi-Jon Laboratories, Vi-Jon, Inc., Vi-Jon, Vi-Jon Laboratories, Inc., Vi-Jon Laboratories, LLC, Vi-Jon Printing & Packaging, Inc., Vi-Jon Services Company, LLC, Vi-Jon Transportation, LLC, VJCS Holdings, Inc., VJSC Acquisitions or John Brunner, including any representatives of the aforementioned entities. (Case Number DHS/OS/PRIV 11-0823).
- On May 16, 2011, **Brian Freskos**, a staff writer with **Wilmington StarNews** in Wilmington, North Carolina, requested from the United States Coast Guard (USCG) records related to the May 8, 2010 scuba diving accident off Carolina Beach, North Carolina, that left a 50-year-old woman dead (MISLE Case # 499610), including, but not limited to, the victim’s identity, age, origin, and cause of death. (Case Number 2011FOIA2474). On May 17, 2011, **Gregory Kauffman**, a researcher with the **Pennsylvania Democratic Party** in Philadelphia, Pennsylvania, requested from the Department of Homeland Security (DHS), the Office of General Counsel (OGC), the Office of Civil Rights and Civil Liberties (CRCL), and the Federal Law Enforcement Training Center (FLETC) involving correspondence and other information requested by or provided State Senator Jacob “Jake” Corman of Pennsylvania and/or Mr. Corman’s representatives from November 3, 1998, through May 17, 2011 (Case Number DHS/OS/PRIV 11-0836, OGC request, Initial request, 11-080).
- On May 17, 2011, **Sean Reilly**, a staff writer with the **Federal Times** in Springfield, Virginia, requested from the Department of Homeland Security (DHS) Office of Inspector General (OIG) itemized supporting data used to compile the number of convictions and total amount of fines, restitution, administrative cost savings, and recoveries listed on page i of OIG report #10-88, and page 2 of OIG report #11-72, both entitled *Special Report: Summary of Significant Investigations*. (Case Number OIG FOIA #2011-122, #2011-123).
- On May 18, 2011, **Jared S. Hopkins**, a journalist with the **Chicago Tribune** in Chicago, Illinois, requested from the United States Coast Guard (USCG) copies of all complaints filed since 2008 pertaining to water taxis, tour boats and similar commercial vessels that board and load passengers in Chicago, as well as any rulings or dispositions that resulted from the complaints or any investigations. (Case Number 2011FOIA2499).
- On May 18, 2011, **Michael Grabell**, a staff writer with **ProPublica** in New York, New York, requested from the Department of Homeland Security (DHS) copies of all communications, including memos and email, between Rapisan Systems or OSI Systems and DHS Headquarters or

the Transportation Security lab regarding testing of the backscatter X-ray machines and the release of those tests to the public. (Case Number 11-0835).

Late Requests

- On April 25 2011, **Rolo Duarte**, General Manager at **Univision Online** in Raleigh-Durham, North Carolina, requested from United States Citizenship and Immigration Service (USCIS) documents pertaining to the detention of (b) (6) a citizen of Venezuela and resident of Wake County, North Carolina; specifically seeking: 1) documentation of his transfer to U.S. Immigration and Customs Enforcement (ICE) custody; 2) documentation of his release by ICE; and 3) grounds for his release by ICE. (Case Number NRC2011052201).
- On May 9, 2011, **John Hudak**, an individual in Nashville, Tennessee, requested from the Department of Homeland Security (DHS), the Federal Emergency Management Agency (FEMA), the United States Coast Guard (USCG), U.S. Customs and Immigration Enforcement (ICE), and the Federal Law Enforcement Training Center (FLETC) a list of FOIA requests from 2010 about which a political appointee (persons appointed under Schedule C, a non-career member of the SES, or Senate-confirmed appointee) personally made an inquiry, personally reviewed, or personally had a hand in the disposition of the request. (Case Number DHS/OS/PRIV 11-0838, 11-549, USCG Hudak Request, 11-8921, 11-076).
- On May 10, 2011, **David Perera**, a reporter with **FierceGovernmentIT** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) access to and copies of the Secure Border Initiative Fiscal Year 2011 Expenditure Plan in electronic format. (Case Number CBP FOIA #2011F11828).
- On May 12, 2011, **Bob Mackin**, an individual in North Vancouver, British Columbia, requested from the Department of Homeland Security (DHS) the following records: 1) a copy of the daily situation reports for the period of February 4, 2010; and 2) the after-action review or like report for the 2010 Winter Olympics Social Media Event Monitoring Initiative. (Case Number DHS/OS/PRIV 11-0828).
- On May 12, 2011, **Bob Mackin**, an individual in North Vancouver, British Columbia, requested from the Department of Homeland Security (DHS) a copy of the 2010 Olympics Joint Threat Assessment released January 22, 2010, and the related after-action review or like report. (Case Number DHS/OS/PRIV 11-0829).

III. FOIA Releases

- On May 3, 2011, U.S. Customs and Immigration Enforcement (ICE) released to **Thomas Watkins**, a reporter with **The Associated Press** in Los Angeles, California, 1,576 pages of records responsive to his request seeking the following: 1) any email, correspondence, or other written material between ICE and the Corrections Corporation of America (CCA) in the last three years, pertaining to health care issues at any of the CCA facilities ICE sends

inmates to in Arizona and California; and 2) any written correspondence or records detailing any audits undertaken by ICE in the last three years that describe medical response times and health care efficiencies at CCA Arizona and California Facilities with ICE inmates. Portions of this response were withheld pursuant to FOIA Exemption (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 10FOIA7909).

- On May 3, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Marcus Stern**, a reporter with **ProPublica** in New York, New York, 841 pages of records responsive to his request seeking copies of the text or substance and dates of all grievances filed in 2009 and 2010 by detainees, detainee family members, detainee visitors or staff at Wallacy Detention Center, including those that were and were not resolved in favor of the complainant. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA3803).
- On May 3, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Tegan Millspaw**, Program Manager, Investigations & Research with **Judicial Watch, Inc.**, in Washington, DC, 1,891 pages of records responsive to her request seeking the following records: 1) all records of meetings and/or communications between ICE and non-governmental organizations concerning parole policy for asylum seekers; and 2) all records concerning the decision to revise ICE's parole policy for arriving aliens with credible fear claims. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E). (Case Number 10-1865).
- On May 4, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Veena Dubal**, Esquire, of the **National Security and Civil Rights Project, Asian Law Caucus**, in New York, New York, 1,131 pages responsive to their request seeking records held by ICE describing or concerning, Third Agency Checks (TAC), including but not limited to: 1) any and all policies and procedures mentioning or concerning "Third Agency Checks"; 2) any and all lists of "special interest countries" and "specially designated countries" from which immigration detainees have been subjected to a "Third Agency Check"; 3) any and all statistics about the number of "Third Agency Checks" generated, the number resulting in third-agency follow-up activity, and the number resulting in prosecutions for terrorism-related charges; 4) any and all data regarding individuals subjected to "Third Agency Checks," including records indicating visa type, country of origin, immigration violation, disposition of case, race, religion, age, sex, and any other available characteristics; and 5) any and all policies and procedures mentioning or concerning "special interest countries" and "specially designated countries" and their relationship with "Third Agency Checks." Portions of this response were withheld pursuant to FOIA Exemption (b)(5), (b)(6), (b)(7)(C) and (b)(7)(E). (Case number 10-1691).
- On May 5, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Judy Rabinovitz**, Deputy Director of the **ACLU Immigrants' Rights Project** in New York, New York, 133 pages responsive to her request seeking the following: 1) all records detailing the specific actions U.S. Immigration

and Customs Enforcement (ICE) to comply with the five recommendations issued by DHS OIG in its 2007 report entitled *ICE's Compliance with Detention Limits for Aliens with a Final Order of Removal from the United States*; and 2) all records, including correspondence, detailing ICE's failure to implement any of the recommendations issued by DHS Office of Inspector General (OIG) in its 2007 report. Portions of this response were withheld pursuant to FOIA Exemptions (b)(5), (b)(6), (b)(7)(C), (b)(7)(E), and (b)(7)(F). (Case Number 10-8937).

- On May 17, 2011, the Department of Homeland Security (DHS) released to **Shawn Hils**, a representative with the **Democratic Senatorial Campaign Committee**, 6 pages of logs from the Executive Secretariat's Electronic Correspondence Tracking System (ECT) relating to correspondence requested by or provided to U.S. Representative Dean Heller (NV-2) from January 4, 2006, to the present. Portions of this response are withheld pursuant to FOIA exemption (b)(6). (Case Number DHS/OS/PRIV 11-0739).
- On May 17, 2011, the Department of Homeland Security (DHS) released to **Jackie Barber**, Deputy Counsel of the **National Republican Congressional Committee** in Washington, DC, 13 pages of responsive records, consisting of a congressional correspondence log for U.S. Representative Steny Hoyer (D-MD). Portions of this release were withheld pursuant to Exemption (b)(6). (Case Number DHS/OS/PRIV 11-0645).
- On May 18, 2010, the United States Coast Guard (USCG) issued a no records determination to **Pamela Tikellis**, an attorney with **Chimicles & Tikellis Law Office** in Wilmington, Delaware, for all responsive information and records relating to the meetings or communications between USCG and BP as well as a copy of the BP Exploration and Production Plan for the Deepwater Horizon. (Case Number 2010FOIA2477).
- On May 19, 2011, the United States Coast Guard (USCG) issued a no records response to **Henri Fourroux**, an individual from New Orleans, Louisiana, for all permits made for the use of all types of the dispersant COREXIT since July 17, 2010. (Case Number 2011-0752).
- On May 19, 2011, the United States Citizenship and Immigrations Service (USCIS) released to **Erin Siegal**, a journalist with the **Schuster Institute for Investigative Journalism**, in Waltham, Massachusetts, 15 pages of material consisting of correspondence from the former Immigration and Naturalization Service (INS). (Case Number NRC2010010449).
- On May 23, 2011, the United States Coast Guard (USCG) released to **Brian Freskos**, a staff writer with **Wilmington StarNews** in Wilmington, North Carolina, 130 pages of material consisting of investigation reports, photographs, emails, charts, and witness statements. These records were released in full. (Case Number 2011FOIA2474).

V. FOIA Appeals

- On May 5, 2011, **Eric Lipton**, a Washington, DC, correspondent with **The New York Times** in New York, New York, appealed the response from U.S. Customs and Border Protection (CBP) related to his request for a copy of the

Air Enforcement Strategy report and most recent CBP Northern Border Strategy document. (Case Number 2011F10377).

VI. FOIA Appeal Releases and Determinations

- On May 19, 2011, U.S. Customs and Border Protection (CBP) issued a moot determination to **Leon Howard**, a staff attorney with the **American Civil Liberties Union of New Mexico** in Albuquerque, New Mexico, pertaining to his fee waiver appeal related to his request for documents regarding the policy and activities of the El Paso Sector Border Patrol within 100 and 25 miles of the United States-Mexico Border. (Case Number H162235).
- On May 19, 2011, U.S. Customs and Border Protection (CBP) released to **Andrew Becker**, a staff reporter at the **Center for Investigative Reporting** in Berkeley, California, 11 pages responsive to his request seeking official photographs of 41 employees who had been arrested, charged, convicted, and/or sentence on corruption-related charges from 2003 to the present. Portions of this response were withheld pursuant to Exemption (b)(7). (Case Number CBP H162235).

VII. Lawsuits

- In the matter of *Judicial Watch, Inc., v. Department of Homeland Security (DHS)*, (11-cv-00804), Plaintiff filed a complaint April 29, 2011, claiming constructive denial pertaining to their request for any and all correspondence (including but not limited to email) between United States Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas and David Shahoulian from December 3, 2010, through February 3, 2011. The includes any email exchanged between Mayorkas and Shahoulian via their respective personal accounts where such personal email mentions or refers in any way to agency regulations or policy issues of any kind, including the planning or scheduling of meetings to discuss agency regulations or policy issues of any kind.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 20 – 26, 2011

Privacy Office

May 31, 2011

Weekly FOIA Report

I. **Efficiency and Transparency** - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 19, 2011, United States Citizenship and Immigration Services (USCIS) posted on its public website the Secretary of the Department of Homeland Security (DHS) Janet Napolitano's announcement of the re-designation of Haiti for Temporary Protected Status (TPS) and extended the country's current TPS designation for 18 months or through January 22, 2013. USCIS strongly encourages Haitian nationals to review the instructions on how to file an initial application for TPS available at <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=e54e60f64f336210VgnVCM100000082ca60aRCRD&vgnnextchannel=e54e60f64f336210VgnVCM100000082ca60aRCRD>. Individuals who currently do not have TPS or an application for TPS pending may begin filing for this status immediately and must file no later than November 15, 2011. Individuals who already have Haiti TPS must wait to file for re-registration until a notice describing the re-registration procedure is published in the *Federal Register*.
- On May 19, 2011, United States Citizenship and Immigration Services (USCIS) announced on its public website that it has proposed significant enhancements to the administration of the USCIS Immigrant Investor Program, commonly referred to as the EB-5 Program. The enhancements proposed would transform the intake and review process for immigrant investors consistent with the Obama Administration's continued commitment to improving the legal immigration system and meeting current economic and national security needs. First, USCIS has proposed accelerated processing of applications for job-creating projects that are fully developed and ready to be implemented; USCIS will also give these EB-5 applicants and petitioners the option to request "Premium Processing Service," which guarantees processing within 15 calendar days for an additional fee. Second, USCIS proposed the creation of new specialized intake teams with expertise in economic analysis and the EB-5 Program requirements. EB-5 Regional Center applicants will be able to communicate directly with the specialized intake teams via email to streamline the resolution of issues and quickly address questions or needs related to their applications. Third, USCIS proposes to convene an expert decision board to render decisions regarding EB-5 Regional Center applications. The Decision Board will be composed of an economist and adjudicators supported by legal counsel. This proposal will be available online for public comment until June 17, 2011, so stakeholders can offer feedback on the proposed changes.

II. **FOIA Requests**

- On May 20, 2011, **Mac Metcalfe**, a journalist with the *Juneau Empire* in Juneau, Alaska, requested from the United States Coast Guard (USCG) copies of the must

- list/personnel diaries for USCG members stationed in Juneau, Alaska, from January 1963 through December 1964. (Case Number 2011FOIA2520).
- On May 20, 2011, **Dominick Yanchunas**, associate editor with the *Professional Mariner* magazine in Staten Island, New York, requested from the United States Coast Guard (USCG) information pertaining to the fatal capsizing of the *Richardson's Bay* on April 9, 2011 off San Francisco, California. (MISLE Case 543372) (Case Number 2011FOIA2546).
 - On May 20, 2011, **Robert P. Deasy**, director, Liaison and Information of the **American Immigration Lawyers Association (AILA)** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) copies of guidance, email, memoranda, instructions, and standard operating procedures issued by USCIS in 2010 and 2011 regarding the processing and/or adjudication of applications for adjustment of status (Form I-485) filed by or on the behalf of an individual who entered the United States on the Visa Waiver Program. (Case Number COW2011000403).
 - On May 21, 2011 **Robert P. Deasy**, director, Liaison and Information of the **American Immigration Lawyers Association (AILA)** in Washington, DC, requested from United States Citizenship and Immigration Services (USCIS) a complete copy of the report of the review of the USCIS FOIA Information Processing System (FIPS) that the Department of Homeland Security (DHS) Chief Information Officer conducted on April 30, 2010. (Case Number COW2011000404).
 - On May 22, 2011, **Anita Lee**, a staff writer with the *Sun Herald* in Biloxi, Mississippi, requested from the United States Coast Guard (USCG) a copy of the accident or incident report about the May 18, 2011 incident involving the *Eurus London*, a cargo ship carrying Chiquita bananas, and a fishing vessel operated by Omega Protein. (Case Number 2011FOIA2542).
 - On May 23, 2011, **Gregory Kauffman** a researcher with the **Pennsylvania Democratic Party** in Philadelphia, Pennsylvania, requested from United States Citizenship and Immigration Services (USCIS) all records, correspondence, and other information requested by or provided to State Senator Jacob Corman (R-PA) and Mr. Corman's representatives between November 3, 1998 and May 17, 2011 (Case Number COW2011000409).
 - On May 23, 2011, **Andrew Becker**, a staff reporter with *The Center for Investigative Reporting* in Berkeley, California, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) email or correspondence leading up to and resulting from the March 2011 termination of an identified ICE employee; and 2) any and all emails and correspondence to and from the former ICE employee and DHS and any other government agency after his March 2011 termination (Case Number 2011FOIA9048).
 - On May 24, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the Department of Homeland Security (DHS) information about the assignment of an identified individual to the position of Senior Advisor at the Senior Executive Service (SES) level at United States Customs and Immigration Services (USCIS) in Spring 2009. (Case Number DHS/OS/PRIV 11-0851).

- On May 24, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the Department of Homeland Security (DHS) information about the assignment of an individual to the position of Special Assistant at the Senior Executive Service (SES) level at United States Customs and Immigration Services (USCIS) in Spring 2009. (Case Number DHS/OS/PRIV 11-0852).
- On May 24, 2011, **Erin Jordan**, a reporter with the *Gazette* and **KCRG** (Source Media) in Cedar Rapids, Iowa, requested from the Department of Homeland Security (DHS) a list that includes the total dollar amount of DHS Readiness Grants that went to each state since September 11, 2001. (Case Number DHS/OS/PRIV 11-0857).
- On May 24, 2011, **John Cook**, a journalist with *Gawker Media* in Brooklyn, New York, requested from the Department of Homeland Security (DHS) all correspondence between Roger Ailes and Tom Ridge, and/or Michael Chertoff during their tenures as DHS Secretary. (Case Number DHS/OS/PRIV 11-0860).
- On May 24, 2011, **Kevin McKenzie**, a reporter for the (Memphis) *Commercial Appeal* in Memphis, Tennessee, requested from the Office of Inspector General (OIG) underlying documents pertaining to OIG audit report entitled, "City of Memphis, Tennessee" (DA-10-02). (Case Number OIG FOIA#2011-127).
- On May 25, 2011, **Steven Emerson**, President of **SAE Productions, Inc.**, in Washington, DC, requested from the Department of Homeland Security (DHS) copies of records related to any communications, meetings, and training sessions conducted or coordinated with the Muslim Public Affairs Council of Western New York (MPAC-WNY) and Dr. Khalid Qazi, MPAC-WNY president. (Case Number DHS/OS/PRIV 11-0858).
- On May 25, 2011, **Patricia Williams**, an individual in Metairie, Louisiana, requested from the United States Coast Guard (USCG) all air monitoring testing results for the *in situ* burning of the Deepwater Horizon Oil Spill in the Gulf of Mexico including all quantitative data, and the location and time of the air monitoring testing for each result. (Case Number 2011FOIA2583).
- On May 25, 2011, **Michael Bekesha**, an attorney with **Judicial Watch, Inc.**, in Washington, DC, requested from the U.S. Secret Service (USSS) all records of visitor/guest logs and/or other records of guests visits made to the White House Conference Center in Washington, DC, during February 2011. (Case Number 5-25-11 request).
- On May 25, 2011, **Damien Cave**, a correspondent with *The New York Times* in New York, New York, requested from U.S. Immigration and Customs Enforcement (ICE) the following records: 1) all documents including but not limited to budget documents that outline the number of DHS employees posted to Mexico in 2008, 2009, 2010, and currently; 2) all Interagency Agreements for 2008, 2009, 2010, and 2011 between DHS and/or its components and their Mexican counterparts or any arm of the Mexican government; and 3) the 2008, 2009, 2010, and 2011 Letters of Agreement and Letters of Offer and Acceptance between American and Mexican Officials including those that explain the terms for training and equipment programs as part of the Merida Initiative. (Case Number 2011FOIA9087)
- On May 25, 2011, **Brenda Bove**, a representative of the **American Civil Liberties Union of Michigan** in Detroit, Michigan, requested from U.S. Immigration and

Customs Enforcement (ICE) the following records: 1) all records related to the ICE actions that took place on the afternoon and evening of February 23, 2011 at 43 Rose Street, Grand Rapids, MI, 49507 ("February 23rd Action"), including planning, execution, and post action activities; 2) all records related to the training of ICE personnel, including training manuals, guidance, and training schedules; 3) all records related to the supervision of ICE personnel; 4) all records regarding the operational structure of the Detroit ICE office; 5) job descriptions for: the ICE Director, the Executive Associate Director for Enforcement and Removal Operations, the Deputy Executive Associate Director, Enforcement and Removal Operations; the Acting Assistant Director, Enforcement, the Detroit Field Office Director and the Detroit Deputy Director, all ICE personnel located in Grand Rapids or present in Grand Rapids during the February 23rd Action; and 6) all ICE policies and protocols. (Case Number 2011FOIA9091).

- On May 25, 2011, **Jared Taylor**, a journalist with *The Monitor* in McAllen, Texas, requested from U.S. Customs and Border Protection (CBP) the following records: 1) copies of all documents, incident reports, email, names of agents involved, suspects, and case narratives pertaining to the fatal shooting involving CBP agents along the Rio Grande River near Hidalgo, Texas, on April 2, 2010; 2) copies of all memoranda, email, and correspondence addressed, sent, and copied to, or written by the CBP Rio Grande Valley Sector Chief pertaining to the fatal shooting involving CBP agents along the Rio Grande River near Hidalgo, Texas on April 2, 2010; 3) copies of all documents, incident reports, email, names of agents involved, suspects, and case narratives pertaining to shots fired by CBP ground and marine agents along the Rio Grande River near Mission, Texas, on September 11, 2010; and 4) copies of all memoranda, email, and correspondence addressed, sent, and copied to, or written by the U.S. Border Patrol Rio Grande Valley Sector Chief pertaining to shots fired by CBP ground and marine agents along the Rio Grande River near Mission, Texas, on September 11, 2010. (Case Number CBP FOIA #2011F12223).
- On May 26, 2011, **Bill Trotter**, a staff reporter with the *The Bangor Daily News* in Bangor, Maine, requested from the United States Coast Guard (USCG) a copy of the USCG Investigative Service final report on a fatal collision of two lobster fishing vessels that occurred on June 30, 2010, in Frenchman Bay off the town of Winter Harbor, Maine, which resulted in the drowning death of Winter Harbor resident Frank C. Jordan. (Case Number 2011FOIA2564).

Late Requests

- On May 9, 2011, **Steven Emerson**, President of **SAE Productions, Inc.**, in Washington, DC, requested from U.S. Customs and Border Protection (CBP) records related to an identified individual. (Case Number CBP FOIA # 2011F11955).
- On May 12, 2011, **Jason Smathers**, a blogger with *MuckRock* in Somerville, Massachusetts, requested from the United States Secret Service (USSS) copies of all records of Twitter messages, which the USSS considers a threat against the President of the United States created on or after January 20, 2009. (Case Number 5-12-11 request).

- On May 18, 2011, **Aidan Monaghan**, an individual in Las Vegas, Nevada, requested from the United States Secret Service (USSS) records related to USSS protectee activity regarding events at the so-called “Bilderberg” conference at the Westfields Marriott in Chantilly, Virginia, on or about June 5, 2008 through June 8, 2008, including such records specifically regarding the activity of USSS protectees including then-Senators Hillary Clinton (D-NY) and Barack Obama (D-IL). (Case Number 5-18-11 Request).
- On May 19, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from the Department of Homeland Security (DHS) information related to the December 2009 summit on intellectual property (IP Summit), to include the following records: 1) any communications or correspondence between DHS officials or employees and entertainment industry executives, officials, representatives, or employees; 2) any communications or correspondence between DHS officials or employees and entertainment association executives, officials, representatives, or employees, including, but not limited to, executives, officials, representatives, or employees of the Motion Picture Association of America (MPAA) or the Recording Industry Association of America (RIAA); 3) any communications or correspondence between DHS officials or employees and officials or employees of other federal government agencies concerning the IP Summit; 4) any briefings, presentations, or other materials provided to participants of the IP Summit; and 5) any documents, briefings, or presentations created in relation to the IP Summit concerning strategy for the enforcement of intellectual property rights. (Case Number DHS/OS/PRIV 11-0845).

III. FOIA Releases

- On May 24, 2011, United States Customs and Immigration Services (USCIS) released to **Jason Smathers**, a blogger with **MuckRock** in Somerville, Massachusetts, 1,161 pages of records pertaining to his request for copies of all documents and training material made available to USCIS employees or contractors concerning the policies and practices of processing FOIA requests. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(4), (b)(6), and (b)(7)(E) (Case Number COW201000212).
- On May 25, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Sarah Henkel**, representative of the **South Texas Civil Rights Project** in San Juan, Texas, nine pages of records related to her request seeking all ICE policies and procedures pertaining to the housing/detention of gays, lesbians, and transgendered persons as outlined in ICE’s national detention standards; and all policies and procedures pertaining to the housing/detention of gays, lesbians, and transgendered persons as specified in the contract between ICE and the Management and Training Corporation detention facility, Willacy County Detention Center, South Raymondville, Texas. Portions of this response were withheld pursuant to FOIA Exemptions (b)(6) and (b)(7)(C). (Case Number 2011FOIA7470).
- On May 25, 2011, United States Citizenship and Immigration Services (USCIS) released to **Erin Siegal**, a journalist with **The Schuster Institute for Investigative Journalism** in Waltham, Massachusetts, 15 pages of records pertaining to

communications sent to and from Roy Hernandez and anyone else working at or with U.S. Immigration and Customs Enforcement (ICE) Guatemala City Country Office related to people being temporarily or permanently banned from involvement in the submission and processing of all new adoption cases with the Department of Homeland Security (DHS) and the United States Embassy in Guatemala. Portions of this response were withheld pursuant to FOIA Exemption (b)(6). (Case Number NRC2010010449).

- On May 26, 2011, the Department of Homeland Security (DHS) released to **Lucy DalGLISH**, a reporter with *News Media & The Law* in Washington, DC, 116 pages of records responsive to her request for copies of the weekly significant FOIA reports for January 2009 to the present. Portions of this response were withheld pursuant to FOIA Exemption 6 (Case Number DHS/OS/PRIV 11-0669).
- On May 26, 2011, the Department of Homeland Security (DHS) released to **Gregory Korte**, a reporter with *USA Today* in Washington, DC, 20 pages of records responsive to his request for a DHS plan submitted to the Office of Management and Budget (OMB) pursuant to the June 10, 2010, presidential memo entitled “Disposing of Unneeded Real Estate. These records were release in full (DHS/OS/PRIV 11-0634).
- On May 27, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with *The Center for Investigative Reporting* in Berkeley, California, a no records determination in response to his request seeking all studies of immigration enforcement surges, including any and all such studies prepared by and/or for the Fugitive Operations division, from Fiscal Year 2010 to the present (Case Number 2011FOIA8185).
- On May 27, 2011, U.S. Immigration and Customs Enforcement (ICE) issued to **Andrew Becker**, a reporter with *The Center for Investigative Reporting* in Berkeley, California, a no records determination in response to his request relating to the number of I-862, “Notice to Appear” charging documents filed by ICE for each of the fiscal years from 2006 to date. (Case Number 2011FOIA8216).
- On May 27, 2011, the Department of Homeland Security (DHS) Management Directorate (MGMT) released to **Tisha Thompson**, a reporter with **WTTG-TV Fox 5 News** in Washington, DC, eight pages of records related to the procurement of a coffee machine. Portions of this response were withheld pursuant to FOIA Exemption 6. (Case Number DHS/OS/PRIV 11-107).

IV. FOIA Appeals

- NSTR

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *NLG v. DHS, USCIS, CBP, ICE, DOJ, DOS*, (11-CV-3235), Plaintiff filed a complaint May 12, 2011, claiming constructive denial pertaining to their

- request for records relating to the government's claims that it facilitates the return of individuals who prevail in their immigration cases from outside the United States.
- In the matter of *Judicial Watch v. DHS* (D.D.C. 11-CV-606), Plaintiff filed a complaint March 23, 2011, claiming constructive denial pertaining to their request for records relating to the following: 1) any and all records of communications between the Department of Homeland Security and any of the following entities, concerning "deferred action" or "parole" to suspend removal proceedings against a particular individual or group of individuals for a specific timeframe; as well as records of communications concerning "selective reprieve" to the segment of the population holding expired visas: The White House; The Executive Office of the President; Any third parties; and 2) any and all DHS internal communications concerning changes to existing policies and practices regarding "deferred action or parole," and "selective reprieves." On May 26, 2011, the Department of Homeland Security (DHS) produced 736 pages and U.S. Immigration and Customs Enforcement (ICE) produced 479 pages of responsive records to the Plaintiffs.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells

FOIA Activity for the Week of May 27 – June 2, 2011

Privacy Office

June 6, 2011

Weekly FOIA Report

I. Efficiency and Transparency - Steps taken to increase transparency and make forms and processes used by the general public more user-friendly, particularly web-based and FOIA related items:

- On May 20, 2011, United States Citizenship and Immigration Services (USCIS) discussed the process of registering for Temporary Protected Status under the re-designation as well as the process of re-registering under the extension. The teleconference invitation and meeting agenda are currently available on USCIS' public website.
- On May 25, 2011, United States Citizenship and Immigration Services (USCIS) Director Alejandro Mayorkas announced the launch of a federal initiative to raise awareness about the rights, responsibilities, and importance of U.S. citizenship. The new Citizenship Public Education and Awareness Initiative is designed to alert the public about the free citizenship education resources USCIS makes available to eligible lawful permanent residents and immigrant-serving organizations. USCIS will employ digital media, a video public service announcement, and print and radio messages in a variety of languages to raise awareness. The initiative will direct individuals to citizenship preparation materials and other training material available from the USCIS Citizenship Resource Center at www.uscis.gov/citizenship. In the first phase of a planned multi-year effort messages will run May 30, 2011, through September 5, 2011.
- On June 2, 2011, U.S. Immigration and Customs Enforcement (ICE) posted an updated version of the Secure Communities Nationwide Interoperability Statistics document to its FOIA library.

II. FOIA Requests

- On May 27, 2011, **Mark Rumold**, an Open Government Legal Fellow with the **Electronic Frontier Foundation (EFF)** in San Francisco, California, requested from U.S. Immigration and Customs Enforcement (ICE) records created from January 1, 2008, to the present discussing, concerning, or reflecting ICE's strategy for seizing domain names as a means of combating online criminal activity. (Case Number 2011FOIA9132).
- On May 27, 2011, **Na Eng**, an Emmy Award-winning news and documentary producer with **NBC Universal** in Englewood Cliffs, New Jersey, requested from U.S. Immigration and Customs Enforcement (ICE) documents pertaining to meetings between officials from law firms and the Department of Homeland Security (DHS), ICE, and U.S. Customs and Border Protection (CBP) officials, as well as contracts between DHS and the Corrections Corporation of America (CCA) pertaining to the Eloy Detention Center in Eloy, Arizona. (Case number 2011FOIA9138).

- On May 27, 2011, **Tyler J. Francke**, a reporter with ***Branson Tri-Lakes News*** in Branson, Missouri, requested from the United States Coast Guard (USCG) the investigation report pertaining to the grounding of the Showboat *Branson Belle* on Table Rock Lake in Missouri on December 11, 2010. (Case Number 2011FOIA2623).
- On May 27, 2011, **Jeffery A. Conklin**, an individual in Fairfax Station, Virginia, requested from the United States Citizenship and Immigration Services (USCIS) information on all Standard Forms 86 (SF-86) submitted by a named individual in 2008 or 2009 contained in (but not limited to) page 1, blocks F “Date of Birth,” H “Position Code,” and I “Position Title,” and page 5, block 13A (only any description of an Employment Code, Position Title and the dates of this position(s) as an employee of United States Citizenship and Immigration Services (USCIS) or Department of Homeland Security (DHS). (Case Number Conklin Request).
- On May 31, 2011, **Vin Cannamela**, a feature producer with ***ESPN*** in Bristol, Connecticut, requested from the United States Coast Guard (USCG) the audio of the distress calls from a September 5, 2009 boating accident in Spring Lake, Michigan. (Case Number 2011FOIA2630).
- On May 31, 2011, **Ginnie Graham**, a reporter with the ***Tulsa World*** in Tulsa, Oklahoma, requested from U.S. Immigration and Customs Enforcement (ICE) a list of employers and businesses in Oklahoma that have been cited or otherwise sanctioned for violating the U.S. Immigration and Nationality Act since January 2005, including the type of each violation, any penalties and/or fines assessed, and the status of any appeals. (Case Number 2011FOIA9226).
- On June 1, 2011, **John Verdi**, Senior Counsel with the **Electronic Privacy Information Center (EPIC)** in Washington, DC, requested from U.S. Immigration and Customs Enforcement (ICE) agreements related to the Secure Communities Program concerning the transfer of personally identifiable information (PII) between ICE and any other entity; privacy policies related to Secure Communities; training materials; and policies and agreements concerning the transfer of PII between the Secure Communities Program and the Nationwide Suspicious Activity Reporting Initiative. (Case Number 2011FOIA9224).
- On June 1, 2011, **David Perera**, a journalist with the **Fierce Government Group** in Washington, DC, requested from U.S. Customs and Border Protection (CBP) copies of the Arizona Border Technology Plan. (Case number 2011F12466).
- On June 1, 2011, **Gbemende Johnson**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) **and** the Federal Law Enforcement Training Center (FLETC) copies of resumes or materials otherwise justifying appropriate pay levels for Schedule C appointees for those appointed to Schedule C positions from August 15, 2009, to May 15, 2011; copies of the resumes or materials otherwise justifying appropriate pay levels for non-career Senior Executive Service employees of all those employed by the agency as non-career members of the Senior Executive Service from August 15, 2009, to May 15, 2011; and copies of the resumes of all persons employed as Senate-confirmed presidential appointments by the agency from August 15, 2009, to May 15, 2011. (Case Number DHS/OS/PRIV 11-0872 and 11-089).

- On June 1, 2011, **Gbemende Johnson**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) a list of all appointees, i.e., personnel appointed as a Senate-confirmed, non-career member of the Senior Executive Service, and Schedule C appointees, serving in the agency between January 20, 2011, and May 15, 2011, to include the title, dates of service, and appointment authority for each appointee (Senate-confirmed, non-career member of the Senior Executive Service, Schedule C appointee). (Case Number DHS/OS/PRIV 11-0873 and 11-090).
- On June 1, 2011, **Jennifer Selin**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) a list of reports that the agency made to Congress in 2010 that were mandated in statute and to whom they were sent, e.g., House/Senate committees, subcommittees; and, a list of the House and Senate committees and subcommittees that heard testimony from agency officials in 2010. (Case Number DHS/OS/PRIV 11-0875 and 11-091).
- On June 1, 2011, **Jennifer Selin**, a researcher at **Vanderbilt University** in Nashville, Tennessee, requested from the Department of Homeland Security (DHS) and the Federal Law Enforcement Training Center (FLETC) a copy of all written communications from the agency to the Speaker of the House, John Boehner (R-OH), or Chair of the House Committee on Oversight and Government Reform, Darrell Issa (R-CA), between January 3, 2011 and May 15, 2011. (Case Number DHS/OS/PRIV 11-0874 and 11-092).
- On June 1, 2011, **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2007, to the present by the Office of the Secretary of Homeland Security in which former House Speaker Newt Gingrich (R), the Gingrich Group, Gingrich Communications, Gingrich Enterprises, Gingrich Holdings, Gingrich Productions, the Center for Health Transformation, the National Commission for Quality Long-Term Care, or American Solutions for Winning the Future are the subject of the requests or part of the subject of the requests. (Case Number DHS/OS/PRIV 11-0879).
- On June 1, 2011, **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2006, to the present by the Office of the Secretary of Homeland Security in which Tim Pawlenty, former governor of Minnesota (R), Timothy Pawlenty, Children's HeartLink, Achieve, Inc., Wizmo Inc., Access Anywhere, or NewTel Holdings are the subject of the requests or part of the subject of the requests. (Case Number 11-0880).
- On June 1, 2011, **Randy Herschaft**, a reporter with *The Associated Press* in New York, New York, requested from the Department of Homeland Security (DHS) copies of all FOIA requests, response letters and responsive materials provided to the requester from January 1, 2006, to present by the Office of the Secretary of Homeland

Security in which in which Former Massachusetts Governor Willard Mitt Romney (R), Willard M. Romney, W. Mitt Romney, Mitt Romney, Bain Capital, Absolute Return Capital (ARC), Bain Capital Private Equity, Bain Capital (Europe) Limited; Bain & Co., Bain Capital Ventures, Brookside Capital, Sankaty Advisors, Marriott International, Inc., Tyler Charitable Foundation, or Ann D. and W. Mitt Romney Charitable Foundation are the subject of the requests or part of the subject the requests. (Case Number DHS/OS/PRIV 11-0881).

Late Requests

- On May 11, 2011, **Michael Ravnitzky**, an individual in Silver Spring, Maryland, requested from the United States Citizenship and Immigration Services (USCIS) the following records: 1) a copy of Mohamed Atta's change of status request/application from a B2 "Visitor" visa to an M visa for foreign student pilot in 2000 or 2001; 2) a copy of forms I-94 (arrival/departure records), I-130 (petition for alien relative), I-131 (application for travel), I-129 (petition for non-immigrant worker), I-539 (application to extend/change nonimmigrant status), and I-20 (supporting information for the issuance of a student visa or change of status) that note school transfers, as well as the State Department application for Atta's B2/B-1 Visa; and 3) a copy of any applications Atta filed for schools and any and all passports issued to Atta, including a copy of applications for his Conch Republic Passport. (Case Number COW2011000435).
- On May 23, 2011, **Ned P. Rauche**, a reporter for *The Journal News* in White Plains, New York, requested from the United States Coast Guard (USCG) the investigation report of a drowning in Long Island Sound on July 25, 2010, regarding a boat operated by New York Sailing School in New Rochelle, New York. (Case Number 2011FOIA2640).
- On May 23, 2011, **Bede Sheppard**, a Senior Researcher with **Human Rights Watch** in New York City, New York, requested from the United States Citizenship and Immigration Services (USCIS) records concerning unaccompanied alien children from the People's Republic of China who are or were in immigration removal proceedings at any time for each FY 1999 to FY 2010, or for the most recent fiscal year data available. Specifically, Human Rights Watch requests the following for from FY 1999 to FY 2010: 1) records identifying the number of non-immigrants from the People's Republic of China within USCIS jurisdiction ordered to be voluntarily removed; 2) records identifying the number of unaccompanied alien children from the People's Republic of China within USCIS jurisdiction ordered to be voluntarily removed; 3) records identifying the number of T-1 nonimmigrant status (T-1 visa) applications received by USCIS and number of T visas granted by USCIS from FY 1999 to the present; 4) records identifying the number of T-1 visa applications received by USCIS and number of T-1 visas granted by USCIS each fiscal year to noncitizens from People's Republic of China, from FY 1999 to the present; 5) records identifying the number of T-1 visa applications received and the number of T-1 visas granted by USCIS each fiscal year to unaccompanied alien children from People's Republic of China from FY 1999 to the present; 6) records identifying the number of Special Immigrant Juvenile status applications received by

- USCIS and number of Special Immigrant Juvenile status granted by USCIS from FY 1999 to the present, and disaggregated by state jurisdiction where a local juvenile court established jurisdiction through dependency; and 7) Records identifying the number of Special Immigrant Juvenile status applications received by USCIS and the number of Special Immigrant Juvenile status granted by USCIS each fiscal year to noncitizens from People's Republic of China, from FY 1999 to present, and disaggregated by state jurisdiction where a local juvenile court established jurisdiction through dependency. (Case Number COW2011000451).
- On May 26, 2011, **Steven A. Miller**, a reporter with *The New York Post* in New York City, New York, requested from the United States Citizenship and Immigration Services (USCIS) copies of all correspondence, including letters and email, sent or received from January 1, 2008, to May 15, 2011, between bureau offices and any of the following members of Congress: Senator Charles Schumer (D-NY), Senator Kirsten Gillibrand (D-NY), Representative Gary Ackerman (D-NY), Representative Tim Bishop (D-NY), Representative Yvette Clarke (D-NY), Representative Joseph Crowley (D-NY, 7th), Representative Eliot Engel (D-NY), Representative Steve Israel (D-NY), Representative Pete King (R-NY), Representative Nita Lowey (D-NY), Representative Carolyn Maloney (D-NY), Representative Carolyn McCarthy (D-NY), Representative Gregory Meeks (D-NY), Representative Jerrold Nadler (D-NY), Representative Charles Rangel (D-NY), Representative Jose Serrano (D-NY), Representative Edolphus Towns (D-NY), Representative Nydia Velazquez (D-NY), and Representative Anthony Weiner (D-N). (Case Number COW2011000430).
 - On May 26, 2011, **Steven Emerson**, President of **SAE Productions, Inc.**, in Washington, DC, requested from U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) copies of all records and documents related to any communication, meetings and training sessions conducted or coordinated with the Muslim Public Affairs Council of Western New York (MPAC-WNY) and/or its president. (Case Number 2011F12259 and 2011FOIA9222).

III. FOIA Releases

- On May 31, 2011, the United States Secret Service (USSS) released to **Michael Bekesha** with **Judicial Watch, Inc.**, five pages of records in response to his request for records concerning the cost of the trip of President Obama to Copenhagen during the week of September 28, 2009, and the cost of the trip of First Lady Michelle Obama, Secretary of Education Arne Duncan, Secretary of Transportation Ray LaHood, Senior Advisor to the President Valerie Jarrett, and representatives of the White House for Olympic, Paralympic and Youth Sport to Copenhagen during the week of September 28, 2009. (Case Numbers 20090796 and 20090797).
- On June 1, 2011, U.S. Immigration and Customs Enforcement (ICE) released to **Robert Keobel**, a reporter with *Fox 4 News* in Cape Coral, Florida, one page of records in response to his request for the number of holding cells and interview rooms that will be included in the construction of the new office in Fort Myers. (Case Number 2011FOIA5976).

- On June 2, 2011, the Department of Homeland Security (DHS) released to **Michael Ravnitzky**, an individual in Silver Spring, Maryland, 301 pages of records responsive to his request for copies of documents listed in the weekly significant FOIA reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). (Case Number DHS/OS/PRIV 11-0160).
- On June 2, 2011, the Department of Homeland Security (DHS) released to **Lucy Dalglish**, a reporter with the *News Media & The Law* in Washington, DC, 301 pages of records responsive to her request for copies of documents listed in the weekly significant FOIA reports. Portions of this response were withheld pursuant to FOIA Exemptions (b)(3), (b)(6), and (b)(7)(C). (Case Number DHS/OS/PRIV 11-0669).
- On June 3, 2011, the Department of Homeland Security (DHS) released to **David Fowler**, an Associate Professor with **University of Oregon** in Eugene, Oregon, two pages responsive to his request seeking a listing of personnel counts reflecting positions in the 0080, 0083, 1801, 1802, 1810, 1811, 1881, 1889, 1894, 1895, 1896, 1899 occupational codes, to exclude the U.S. Secret Service, U.S. Coast Guard, and the Office of Inspector General. Portions of this response were withheld pursuant to FOIA exemption (b)(3). (Case Number DHS/OS/PRIV 11-0077).

IV. FOIA Appeals

- On May 17, 2011, **Natasha Minsker**, Death Penalty Policy Director for the **American Civil Liberties Union of Northern California** and **Tim Redmond**, Executive Editor with the *San Francisco Bay Guardian* in San Francisco, California, appealed the response from U.S. Customs and Border Protection (CBP) to their request for documents pertaining to the acquisition of controlled substances by state officials for the purpose of carrying out executions of condemned prisoners by lethal injection. (Case Number 2011-F03665).

V. FOIA Appeal Releases and Determinations

- NSTR

VI. Lawsuits

- In the matter of *Judicial Watch v. DHS* (D.D.C. 11-CV-604), Plaintiff filed a complaint March 23, 2011, claiming constructive denial pertaining to their request for records relating to the following: a) any and all records of, and/or records concerning Department of Homeland Security briefing regarding a systematic review of pending immigration cases against suspected illegal immigrants in Houston, Texas; b) Any and all records of general guidelines issued to Department of Homeland Security attorneys, allowing for dismissal of pending immigration cases; c) Any and all records detailing the determination and implementation of a systematic review of pending immigration cases against suspected illegal immigrants in Houston, Texas; d) Any and all correspondence with non-governmental organizations (to include, but not limited to, the American Immigration Lawyers Association) concerning the process for US Immigration and Customs Enforcement to give consideration to possible dismissal of pending immigration cases. ICE produced 235 pages of responsive records to plaintiffs on May 27, 2011.

FOIA Exemptions

Exemption 1: classified national defense and foreign relations information

Exemption 2: internal agency personnel rules and practices

Exemption 3: information that is prohibited from disclosure by another federal law

Exemption 4: trade secrets and other confidential business information

Exemption 5: inter-agency or intra-agency communications that are protected by legal privileges.

Exemption 6: information involving matters of personal privacy

Exemption 7: records or information compiled for law enforcement purposes, to the extent that the production of those records A) could reasonably be expected to interfere with enforcement proceedings, B) would deprive a person of a right to a fair trial or an impartial adjudication, C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, D) could reasonably be expected to disclose the identity of a confidential source, E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or procedures, or F) could reasonably be expected to endanger the life or physical safety of any individual.

Exemption 8: information relating to the supervision of financial institutions

Exemption 9: geological information on wells